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ABSTRACT

This committee report contains the results of an investigation by young reporters (aged 10-17) from the Children Express magazine into the inappropriate incarceration of neglected or abused children and status offenders not charged with crimes. The hearings include the statements of 25 expert witnesses, researchers, and formerly incarcerated children, who testified about the extensive use of solitary confinement, drugs, and violence in controlling the behavior of institutionalized children. Testimony from psychiatrists and doctors focuses on the irreparable damage done to children by such abuses. The appendix includes newspaper articles and statements from senators about the hearings. (JAC)

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96th Congress }
2d Session }

COMMITTEE PRINT

AN INVESTIGATION BY CHILDREN OF THE INAPPROPRIATE INCARCERATION OF CHILDREN

REPORT

OF THE

SUBCOMMITTEE ON THE CONSTITUTION

OF THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
NINETY-SIXTH CONGRESS
SECOND SESSION

U.S. DEPARTMENT OF EDUCATION
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[96th Congress]

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FOREWORD

The Juvenile Justice and Delinquency Prevention Act of 1974 was grounded on our findings that the Nation's juvenile justice systems were collectively often more harmful, in terms of expensive overhead and the likelihood that involvement actually led a child to more frequent and increasingly serious violations, than helpful.

In the Act we emphasized prevention and the importance of youth participation. The bipartisan majority which supported the Act was optimistic that more national policies and programs could be developed which would minimize Government intervention into the lives of children and their families and expand responsible roles for our nonvoting citizens, while protecting our voting citizens.

This report reveals an endeavor which incorporated these several concerns. Several dozen youngsters, aged 10 to 17, conducted a penetrating, unprecedented, public investigation of the costly, inappropriate incarceration of their peers, many of whom were dependent, neglected, abused or status offenders, but certainly not even charged with crimes. Their inquiry represents the type of responsible contribution that our young citizens are capable of making.

Advocacy by children and youth on behalf of children and youth is a new frontier, which lest we forget, molds and supports the development of our most cherished natural resource—our children.

The individual and collective efforts which yielded this hearing record, the findings and the film which resulted are exemplary.

The work completed by these young people has helped to revitalize the perceptions which made the 1974 Juvenile Justice and Delinquency Prevention Act possible and will help insure, through constant rekindling, that its objectives will be achieved and maintained in the present and future.

Without such vigilance and critical assessment, yesterday's conscientious acts may fall prey to today's conveniences.

Birch Bayh,
Chairman,
Subcommittee on the Constitution.

July 4, 1980.

PREFACE

In the early spring of 1978, nine reporters from Children's Express magazine conducted hearings in Washington, D.C., on the subject of America's incarcerated children. During 3 days of hearings, the examiners, who ranged in age from 10 to 13, called 25 expert witnesses including doctors, public officials, psychiatrists, child advocates, researchers, and formerly incarcerated children. The witnesses came from many parts of the country to testify about the extensive use of solitary confinement, drugs, and violence in controlling the behavior of institutionalized children.

The purposes of the hearings were to inform the public and to stimulate legislative change, particularly in the States. The hearings were widely covered. Public television covered them live and all three networks reported on them. They were also widely covered on radio and in newspapers throughout the country.

The hearings produced extraordinarily shocking testimony. Most institutionalized children have never been charged with crimes or offenses, yet they are subject to involuntary detention and often treated like adult felons. Psychiatrists testified about the irreparable damage done to children by abuses like solitary confinement; doctors described the dangers of inappropriate use of drugs; and formerly incarcerated children described treatment that most of us associate only with brutal, totalitarian States.

The hearings were the result of six months of planning and represented a collaboration among Children's Express and three sponsoring organizations—the Children's Embassy of the Day Care and Child Development Council of America, the National Coalition for Children's Justice and the Children's Cultural Foundation. Funding came from the Office of Juvenile Justice and Delinquency Prevention through the National Office of Social Responsibility and from a grant by the New Land Foundation of New York City.

The young hearing examiners were backed up by a team of 10 teenage (14 to 17) associate and assistant editors of Children's Express. Six of the teenagers handled all of the videotape preparations and then taped the entire 3 days of hearings with broadcast-quality equipment. (The edited tape has been seen throughout the United States and is now being used in college classrooms.) The other four teenage editors ran training sessions for the hearing examiners for 6 weeks in advance of the hearings and handled logistics during the hearings.

In preparation for the hearings, the examiners read a substantial body of material including "Weeping in the Playtime of Others" by Kenneth Wooden, "Children in Adult Jails" (a report by the Children's Defense Fund), excerpts from testimony before Senator Birch Bayh's subcommittee of the Judiciary (1970, 1974, 1977), etc. They met each week—sometimes two or three times—for issue analysis, role-plays and for interviews with experts on both substance and procedure.

All of the hearing examiners had worked on Children's Express magazine and had participated in shaping the direction of the magazine toward advocacy articles. In fact, the hearings emerged from an article that was being prepared on the incarceration of children and from an interview with Kenneth Wooden of the National Coalition for Children's Justice. The magazine had previously run articles on children in mental institutions and children in group homes.

During the 3 days of testimony, Robin Moulds, the chief hearing examiner, and the other examiners conducted an extensive and informed examination of all of the witnesses. Their careful preparation made possible a real illumination of the subject matter—especially in the questioning of the formerly incarcerated children.

After each day's testimony, Children's Express editors led roundtable discussions among children who attended the hearings. In this way, a remarkable dialogue was developed among children who were being exposed to the information for the first time.

Children's Express long ago established the role children have to play in advocacy. The hearings in Washington represent a new frontier and show the seriousness and magnitude of the responsibilities children are ready and able to undertake on their own behalf and in support of other children.

Robert Clampitt,
Publisher,
Children's Express Magazine.

ACKNOWLEDGEMENTS

The hearings are being sponsored by the Day Care and Child Development Council of America, having been organized by Robert Clampitt, founder of Children's Express, and Ken Wooden of the National Coalition for Children's Justice. The hearings are cosponsored by the Children's Cultural Foundation of New York with a grant from the National Office for Social Responsibility, funded by the U.S. Office of Juvenile Justice and Delinquency Prevention and the New Land Foundation of New York.

Reception provided by Abt Associates, coordinated by Sandy Murphy.

Special acknowledgment to Fran Eizenstat, Day Care Council coordinator, for the hearings, and Trisha Long and Misty Barth, Children's Express coordinators.

The Children's Express reporters who served as hearing examiners were:

Robin Moulds, 13, chairperson;
Quin Bakaty, 11;
Susannah Blinkoff, 13;
Christopher Clay, 13;
Charles Hollings, 12;
Franklin Kinard, 12;
Mara Lozier, 10;
Deborah Oestreicher, 13; and
Jessica Trentlyon, 12.

Participating Children's Express assistant and associate editors were:

Training and research
Bryan Clampitt, 15;
Thelma Foster, 17;
Roger Gould, 15; and
Jared Hoffman, 15.

Video production
Greg Aull, 17;
Diane Boerner, 17;
Despina DeMesquita, 17;
Ivan Rodriguez, 17;
Michael Schreibman, 16; and
Jerry Seigerman, 17.

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AN INVESTIGATION BY CHILDREN OF THE INAPPROPRIATE INCARCERATION OF CHILDREN

WASHINGTON, D.C., *March 28, 1978.*

OPENING STATEMENT OF THELMA FOSTER, ASSISTANT EDITOR OF CHILDREN'S EXPRESS

Ms. FOSTER. Good morning. My name is Thelma Foster and I'm an assistant editor for Children's Express [CE]. The hearings are being cosponsored by the Children's Cultural Foundation of New York, with a grant from the National Office for Social Responsibility, funded by the U.S. Office of Juvenile Justice and Delinquency Prevention, and the New Land Foundation of New York.

The purpose of the hearings is to expose to the public the conditions that prevail in institutions for children. The main focus will be solitary confinement, drug abuse, and physical violence within these institutions. We feel these hearings will be a spark, not only to make the public aware of the danger and waste going on in institutions, but also to make the public active on a local and State level to change these conditions. We hope this will be a beginning—it cannot be the end.

My feelings about the conditions in these institutions are feelings of amazement and horror. It is hard for me to believe that a person is born and dies without ever knowing happiness. I feel that everyone who goes into an institution, whether that person is released or not, is still in his or her own prison.

The hearings will be conducted by reporters from CE, all 13 and under. There will be nine hearing examiners and they will alternate. Five will sit at all times. All of the hearing examiners have participated in an extensive investigation of the conditions in children's institutions and have been briefed by assistant editors. I would now like to introduce Robin Moulds, the chief hearing examiner. Robin——

Ms. MOULDS. Over the past few months, Children's Express has been doing investigative research on children in penal and mental institutions of the United States. We have found very shocking evidence of the degrading and inhuman abuses practiced in these institutions, such as solitary confinement for extended periods of time, drug abuse, and physical brutality. The Constitution establishes rights for all people and this is certainly a violation of children's rights. The main purpose of these hearings is to inform the public of American institutions cruel treatment of a section of our society, and to make legislative change to stop this.

The panel for these hearings consists of nine Children's Express reporters, aged 13 and under. I'd like to introduce Mara Lozier, 10; Christopher Clay, 13; Franklin Kinard, 12; Susannah Blinkoff, 13;

Quin Bakaty, 11; Charles Hollings, 12; Deborah Oestreicher, 13; Jessica Trentlyon, 12; and I am Robin Moulds, 13 and I will act as chairperson for these hearings.

I would now like to introduce Jackie Cook, who is the executive director of the Day Care and Child Development Council of America and Bob Clampitt, who is the publisher of Children's Express.

OPENING STATEMENT OF JACKIE COOK, EXECUTIVE DIRECTOR, DAY CARE AND CHILD DEVELOPMENT COUNCIL OF AMERICA

Ms. Cook. Welcome to the offices of the Day Care and Child Development Council of America and especially to this new project that we have called the Children's Embassy. This is a place that is designed to be a place in the Nation's Capital which will represent our youngest citizens. The resources of the council will be more visible and accessible here and will give us a physical space for events such as these hearings. The Children's Embassy is both a symbol and an event of collaboration on behalf of children and their families. We welcome you to the first of what we trust will be many occasions here in the embassy directed toward the establishment of national policy in support of children, our Nation's most important resource.

OPENING STATEMENT OF BOB CLAMPITT, PUBLISHER OF CHILDREN'S EXPRESS

Mr. Clampitt. I'm Bob Clampitt, publisher of Children's Express. We think that it's especially appropriate that these hearings come about in anticipation of the International Year of the Child. We feel that it's extraordinarily important for children to have a voice in the things that affect their lives in this upcoming year.

I want to welcome the advocates—psychiatrists, doctors, and others who have come from all over America and to comment on how extraordinarily willing they have been to make time to come in from distant places like Oregon and California to be here with us because they are obviously commmitted people. I would also like to comment however, that it's time to recognize the capacity of children to be advocates on their own behalf and at Children's Express, as we have done investigations of children in mental institutions, children incarcerated, children in trouble in this country, we have found out that the kids deeply care about the things that are happening to other children in this culture. Not only do they care deeply, but they are totally capable of assuming responsibility, the kind of responsibility they assumed as reporters, and the kind of responsibility that they're assuming here today, because what we've found, and I know what all of you will find, that if you trust the children to assume responsibility, that that trust is a transforming event and that the children will exercise the responsibility and fight for the rights of children and against the conditions that we are talking about in these hearings. And so I really just want to thank you all for coming and thank Robin and the panel. We look forward to an interesting 3 days. Thank you.

PANEL OF CHILDREN'S EXPRESS REPORTERS: MARA LOZIER, 10; CHRIS CLAY, 13; FRANKLIN KINARD, 12; SUSANNAH BLINKOFF, 13; AND ROBIN MOULDS, CHAIRPERSON, 13

Ms. Moulds. I would like to call our first witness and he is John Rector, who is the Administrator of the Federal Office of Juvenile Justice and Delinquency prevention. Mr. Rector, what has been your experiences with institutions in general?

TESTIMONY OF JOHN M. RECTOR, ADMINISTRATOR OF THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, DEPARTMENT OF JUSTICE, WASHINGTON, D.C.

Mr. Rector. Our office has the primary responsibility in the Federal Government for assuring that the kinds of practices that you have set out as the focus of your hearings are inhibited and hopefully over the long run, curbed. My primary responsibilities since I have been appointed by the President, have been to try to bring focus to the issues of the institutional abuses of children in institutions around the country.

Ms. Moulds. I see. What experiences have you had, such as with children being locked up in solitary confinement and what legislative changes have you made to change and stop this?

Mr. Rector. The kinds of abuses that others will speak about, in a far more credible way than I will be able, because of their personal experiences became the basis in fact, for the legislation that established the office of which I am in charge. Over a 4-year period, from 1970 to 1974, under the leadership of Senator Birch Bayh, a piece of legislation was developed that was addressed at trying to curb the very abuses that you're focusing on today. Our office was established by that legislation and we have a program to help provide incentives to discourage the kind of practices that you're focusing on today. I think it's important that you have selected the area of drugging. I think many might ask: Why drugging? But I think anyone intimately familiar with what goes on in the institutions in this country with regard to young people, whether they be dependent, neglected, abused, delinquent, or what have you, or retarded children, learn very quickly that drugging plays a major role in the modern way in which we over-institutionalize and incarcerate young people. In fact, it was Senator Bayh who characterized drugging as the new solitary confinement.

Ms. Moulds. What would you like to see in terms of reform.

Mr. Rector. I think one of the basic reforms that we should all collectively pursue relates to the fact that our juvenile justice system today is failing. It's failing for many reasons, but one of the primary reasons that it's failing is because it doesn't discriminate amongst the various kinds of behavior of the young people who currently come before the system. A young person who is abandoned or a young person who has been charged with armed robbery are treated far too often in a similar fashion. In fact, there is very little difference in the way young persons are treated. A careful look at statistics, in answer to your question about status offenders, will tell you—in this issue of status offenders—I think fairly graphically indicates what's wrong with our system of juvenile justice. Status offenders are those young persons who have not really engaged in acts that would be a crime if they were not of a youthful status. But the statistics will show you that in this area of the system's overreach, and is particularly shocking in the area of status offenders, that these youths are more likely to be detained, more likely to be institutionalized and once incarcerated, more likely to be held in confinement, than those who are convicted or charged with criminal offenses; 70 percent of the young women who are in the juvenile justice system are in this area of status offenders. And even a cursory review of the system, reveals these practices as some of the grossest examples of the double standard. In fact, the juvenile justice system can be seen as the cutting edge of sexual discrimination in the country, particularly as it pertains to young women who are status offenders.

The heart of the failure of the juvenile justice system, is it's failure to discriminate between the types of individuals before it and the offenses of those individuals. Now there are some young people that would have to be removed from their homes for one reason or another, but detention and incarceration should be reserved for the few who commit serious and usually violent offenses and to the extent that there are such persons that are institutionalized, the preference would be that they be institutionalized in their own community, close to community ties and if they're fortunate enough, close to family ties.

A very important part in our view of the necessary reform is the involvement of young people. Now the Juvenile Justice Act to which I was referring that passed in 1974 and was recently extended by President Carter in October, reaffirms the vital role of young people. In fact the act and the programs that we are funding are to involve consumers, namely young people in the system—consumer participation in the planning, in the operation, and in the evaluation of programs. Needless to say, these are sections that have not been fully implemented. In fact, there are many in the systems of child welfare and juvenile justice who recently undertook an effort to repeal the sections of our act that require youthful participation.

So you ask: What is it all about and what are we all about? Well, what we're focusing on is children who are entangled in the juvenile justice and welfare systems of our Nation. We're talking about rhetoric—the rhetoric to save, the rhetoric of help, the rhetoric of treatment that translates far too often into neglected, brutalized, and drugged.

In reviewing and preparing for your very important hearings. I was reminded in reading Susan Fischer's piece entitled "The Smell of Waste," as to what a detention center is really all about and I'd like to share that with you and your fellow examiners. Susan said:

> A detention center represents the failure of all structures in urban society rural and suburban as well. It represents the failure of family life, of schools, of courts, of welfare systems and organized medicine in hospitals. It is a final, common pathway to wretchedness.

Occasionally a scandal in the newspaper, an outraged lawyer, an interested humanitarian makes a ripple. The surface smooths rapidly over again, however, because locked away in a distant part of town, society forgets the children it does not need or want.

We have a duty those of us in our office and those of you with Children's Express and others, to assure that business as usual is rejected at least as it relates to imprisoned children, and part of my presentation today is to stress to you that the Carter administration is committed to implementing the policies that I mentioned in the Juvenile Justice Act. It's a fundamentally different approach than the approach of the last 8 years under the former administrations that opposed these principles that we're discussing. The President has enthusiastically endorsed the priorities that you're giving to the concerns about institutionalized children and the rampant abuse within the system. And he characterized when he signed the act as a wise distinction that it makes between the kinds of conduct that should lead to the few cases of incarceration and the kind that should lead to no incarceration.

Now as we work together, through the vehicle of these hearings, which as you noted will be the first in a number of hearings, I think it's very important that we are entering the International Year of the Child, marking the 20th anniversary of the Declaration of the Rights of Children. I think it's important to note that the Department of Justice and the State Department insisted that the focus of the International Year of the Child be a focus specifically on the child as an individual, rather than as an appendage of the family. That the rights and problems of children are in many instances related to the family, however, that children have distinct needs and deserve distinct attentions. In our office and the Department of Justice, through hearings such as the hearings today and the hearings that we contemplate throughout the year and next year, intend to give priority to a number of issues, but our top priority is to the issues regarding children and youth in custody. I don't think that anyone should be naive about the seriousness of the problems we're talking about.

There are many individuals who have a vested interest in continuing the current practices that are so harmful and so abusive and so destructive of the children in institutions. So if I could give one recommendation, it would be that hopefully as you go through your hearings, that you not be fooled by many who will talk of new initiatives. That you not be diverted from your assessment of current programs and your assessment of current policies and that you will not be diverted, whether by programs called "Younger Americans Act" or "New Initiatives in the Area of Pregnancy Alternatives" but that you pursue in a steadfast fashion what it is about Federal policy, what it is about Federal programs that sustains and supports and even encourages the very abuses that are the focal points of your hearings today.

In closing, I'd like to comment that I'm proud to be associated with your landmark hearings. We plan to incorporate the findings of your hearings—this one and the additional ones that you will hold—into the activities of the office, to help guide our programmatic efforts and we intend to include the findings and your recommendations in our efforts to work with the other Cabinet members, through the Delinquency and Juvenile Justice Council of which I am the vice chairperson. And we will use your recommendations and your findings to which I can personally vouch I'll have a special sensitivity, to help bring to the attention of the Cabinet members, including the Department of Justice, the kinds of policies and practices that lead to the abuses that you're stressing today.

So I join you in the acknowledgment of our duty to protect the rights of our young citizens to develop physically and mentally and spiritually to their maximum potential.

Ms. MOULDS. OK. Thank you very much—you've really brought an introduction to these hearings.

Mr. RECTOR. Well, good luck in your endeavors.

Ms. MOULDS. Thank you. Our next witness is Kenneth Wooden, who is the executive director of the National Coalition for Children's Justice and who is the author of "Weeping in the Playtime of Others."

[Mr. Rector's prepared statement follows:]

PREPARED STATEMENT OF JOHN M. RECTOR, ADMINISTRATOR, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Your hearings are particularly appropriate in that we as a nation will soon celebrate the twentieth anniversary of the 1959 Declaration of the Rights of the Child. The rights and problems of the child are in many instances intimately related to the family. However, children have distinct needs and deserve distinct attention. As the Attorney General's representative for International Year of the Child (IYC) activities and as a member of the Interagency Steering Committee, I was especially pleased that IYC activities sponsored by the Federal Government will focus specifically on the child as an individual rather than as an appendage of others.

The Department of Justice, and my Office in particular, have a special interest in improving and protecting the rights of children. In planning the overall Department of Justice observance of the IYC, we have selected four issues to serve as the focus for our activities. These issues are: children and youth in custody; children and youth as victims of violence; the effects of advertising and programming on violence and drug use among youth; and sexual exploitation of children and youth. In addition, this Office is planning to provide the necessary resources to enable the Department of State to undertake an international study of the rights of children.

I commend you for your obvious concern about your peers who are inappropriately jailed, detained and imprisoned. We share your outrage at such scandalous practices.

When young people confront our juvenile justice system, injustice is a frequent result. The system does not provide the individualized justice promised by reformers at the turn of the century; it does not help the many non-criminal status offenders who fall into its jurisdiction; and it does not protect communities from juvenile crime.

I will forego reciting the litany of horror stories that illustrate the sordid and even brutal manner in which we as a nation indiscriminately respond to children in trouble—from those who are abandoned and homeless to those who threaten public safety. Others far more credible than myself, namely youth who have been victimized, will speak to these tragedies. Rather, it is my purpose to discuss the background and prospects of a Congressional and citizen initiative developed in response to the inconsistencies of our present system.

The 1974 Juvenile Justice and Delinquency Prevention Act was developed and supported by citizen groups throughout the Country and by overwhelming bipartisan majorities in Congress. It was designed to help states, localities, and public agencies working in a new partnership with private agencies and citizen groups to develop and conduct effective delinquency programs, to divert more juveniles from the juvenile justice process, and to provide urgently needed alternatives to detention and correctional facilities.

It was developed during a four-year investigation of the Federal response to juvenile crime conducted by the United States Subcommittee to Investigate Juvenile Delinquency under the direction of Senator Birch Bayh.

The Act tells us that indiscriminate punitive placement, whether in public or private facilities, masquerading under the questionable disguise of "rehabilitation" or "the best interest of the child," only increases our already critical crime rate by supplying new recruits for the jails, detention centers, state farms, camps and training schools, which are often nothing more than wretched academies of crime. Its aim is to minimize harm caused by State intervention. Its aim is to help secure basic human rights for children and their families.

The traditional "solution" for juvenile crime has been to upgrade personnel improve services or refurbish facilities. The Act tells us that this is not adequate. What we need is an uncompromising departure from the current practice of institutionalization overkill which undermines our primary influence agents—family, church, school and community. We must support policies and practices which protect our communities while also assuring justice for our youth.

It is time to accept responsibility for the antiquated and destructive practices which undermine the fabric of our next generation. We must reject the repugnant policy of unnecessary, costly detention and incarceration of scandalous numbers of young Americans which make a mockery of the notion that we are a child oriented society. We must shift our resources toward developing productive, responsible youth rather than reinforcing delinquent or undesirable behavior.

The current overreach of the juvenile system in its reliance on detention and incarceration is particularly shocking as it affects so-called status offenders. These youths are actually more likely to be detained, more likely to be institutionalized, and once incarcerated, more likely to be held in confinement than those who are charged with or convicted of criminal offenses. Seventy percent of the young women in the system are status offenders. This system is the cutting edge of the double standard.

Many status offenders are arrogant, defiant and rude—and some are sexually promiscuous. Detention or incarceration, however, helps neither them nor us. Some of these children cannot be helped, and others do not need help. Real help, for those who need it, might best take the form of diverting them from the vicious cycle of detention, incarceration and crime.

As Edwin Schur has so persuasively argued, "Sane youth policies will have to be based on a greater acceptance of young people on their own terms, a willingness to live with a variety of life styles, and a recognition of the fact that young people of our society are not necessarily confused, troubled, sick or vicious. These attitudes cannot emerge within the context of the present juvenile justice system with its paternalistic patronizing even hostile philosophy."

Some youthful offenders must be removed from their homes, but detention and incarceration should be reserved for those who commit serious, usually violent offenses.

The Act was intended to stimulate the development of appropriate alternatives to fill the void between essentially ignoring improper or illegal behavior and continuing wholesale detention and incarceration.

The Act provides incentives to discourage placement of youth in secure facilities and to develop alternatives, including doing nothing when any other available intervention would be more destructive.

The juvenile justice system has failed to respond to the needs of our citizens, but especially our youth who are simultaneously the consumers of its services and the typical victims of serious criminal activity.

The Act mandates the participation of citizens, especially youth. Congress mandated that those closest to the reality of the juvenile justice system, namely youth in the system, should participate in the planning, operation and evaluation of policies and programs. It acknowledges the vital role that they must play and that their involvement will help assure that we avoid the wasteful undermining of local resources and leadership so characteristic of past Federal policy. Too often young people are systematically excluded from participation in programs that supposedly exist for them. Thus, they are further alienated and denied the opportunity to learn to make mistakes, to be held accountable and responsible for their judgment and action.

Children are entangled in a child welfare/juvenile justice system that was established ostensibly to protect them, but in practice far too often has rendered them subject to arbitrary and excessive authority exercised by parents, custodians and the State.

The rhetoric of "save," "help" or "treat" translates, far too often, in reality, to "abused," "neglected," "brutalized" and "drugged." The latter has become an Orwellian version of solitary confinement.

As Susan Fisher, in "The Smell of Waste," reminds us we must be forever vigilant regarding such matters:

"This detention center represents the failure of all structures in urban society—family life, schools, courts, welfare systems, organized medicine, hospitals. *It is a final common pathway to wretchedness.* Occasionally, a scandal in the newspaper, an outraged lawyer, an interested humanitarian judge makes a ripple. The surface smooths rapidly over again because, locked away in a distant part of town, society forgets the children it does not want or need."

We have a moral obligation—in fact our Office has a statutory obligation—to help assure that business as usual is rejected, at least, as it relates to imprisoned children.

The Administration is committed to implementing the 1974 Act, especially as it relates to the subject of your hearings. On these crucial human rights issues there is Federal leadership for a change.

On October 3, 1977, Jimmy Carter signed the Juvenile Justice Amendments of 1977. The President in stressing its significance said in part:

"One of the most serious problems that faces our Country, of course, is that of rampant crime. And we know from experience and from examining the statistics that almost half of the crimes are committed by juveniles. . . . In many communities of our Country, two kinds of crimes—one serious and one not very serious—are treated the same, and young people have been incarcerated for long periods of time, who have committed offenses that would not even be a crime at all if they were adults. . . . This Act very wisely draws a sharp distinction between these two kinds of crimes. It also encourages local administrators, States, and local government to deinstitutionalize those young people who have not committed serious crimes."

A firm but tolerant policy will not compromise public safety but will help salvage the lives of troubled youth.

The American system of juvenile justice is under fire for its failure to stem the tide of youthful criminal violence. It is vital that lurid publicity given to the small percentage of violent youth not distract us from the reality of a system whose wide net catches predominately dependent, neglected children and minor delinquents. The Act has been a catalyst for a long overdue and healthy assessment of juvenile justice. While stressing certainty of punishment for serious offenders, it has stimulated non-secure and non-punitive handling where appropriate.

The Government Accounting Office designated the Act as *the* most promising and cost-effective Federal crime prevention program. It by no means is a panacea, and clearly there are no purely Federal answers to the problems of juvenile crime and delinquency.

The Act should not divert attention from necessary reforms aimed at reducing poverty, unemployment, sexism and racism so relevant to the quality of life and opportunities for our youth. Attention should be focused on implementation of the Act and enforcement of its provisions. No one, however, should be naive about the capacity for resistance to change, especially by those sustained by entrenched counter productive, policies and programs. Therein lies the challenge.

I would caution you not to be misled by "new" initiatives which would divert you from assessing current Federal policies or programs that ignore, encourage or support the inappropriate incarceration or institutional abuse of our next generation. I am proud to be associated with your Landmark Hearings.

We plan to incorporate the findings of these hearings and others we will sponsor across the country into future Office activities, IYC activities and into deliberations of the cabinet-level Federal Coordinating Council on Juvenile Justice and Delinquency Prevention of which I am vice chairperson. The Council is now required to review the programs and practices of Federal agencies and report on the degree to which Federal funds are used for purposes that are inconsistent with the provisions of the Juvenile Justice and Delinquency Prevention Act regarding incarceration of children.

I join you in the acknowledgement of our collective duty to protect the rights of our young citizens to develop physically, mentally and spiritually to their maximum potential.

Robert Coles so poignantly cites the significance of activities such as yours: "There are moments, and I believe this is one of them, when even doctors or social scientists or observers or whoever, justly have to throw up their hands in heaviness of heart and dismay and disgust and say in desperation: God save them, those children; and for allowing such a state of affairs to continue, God save us, too."

TESTIMONY OF KENNETH WOODEN, EXECUTIVE DIRECTOR OF THE NATIONAL COALITION FOR CHILDREN'S JUSTICE

Mr. WOODEN. Good morning.

Ms. MOULDS. Good morning.

Mr. WOODEN. Allow me to begin by making a personal comment or two. First of all, it's been a pleasure working with Children's Express—to share the poetry of kids that are locked up and to help select the youngsters who will testify here today. Second, it's rare for people in government bureaucracy to receive recognition. So, without denying credit to select Senators and Congressmen, I believe that no other person in this town of Washington, D.C., has done more to help institutionalized children than John Rector. John has been guardian of the Runaway Act of 1973 and the Juvenile Delinquency Prevention Act of 1974, both of which, in my opinion, constitute the most important juvenile legislation in the last 30 years. His contribution to a just and decent society for the forgotten children of this land is immeasurable and I hope that his reward will be that goal which we, too, at this national forum seek: The abolishment of solitary confinement and the end of institutionalization for the vast majority of children now confined in countless private and public facilities across the United States.

I sincerely hope that these hearings will reach the entire population of America, especially the people in the factories, the people that work the land, the people that are unemployed and on welfare and the people that are underemployed. I want the message to reach them for it is their children, the children of the working class that have been incarcerated and abused for eight decades or longer.

I'm not going to read my entire testimony, but I do want to discuss the use of solitary confinement that is being used extensively in our private and public juvenile facilities as a tool to further discipline noncriminal children, to break their spirit and to further seclude them from our consciences and humane obligations to them.

By solitary confinement, I'm talking about placing a child for a prolonged period of time in a very small room, usually windowless, that sometimes has a toilet and perhaps a mattress on the floor. The child is punished for an assortment of reasons—some serious and some not so serious: Wishing a man would die; throwing soap at another boy; smoking in class; pretending to be ill; tearing a tag out of jeans; writing "I love you" to a female teacher; masturbating; and, if you can comprehend this, for attempting suicide—that is a common reason for throwing youngsters in solitary.

Charles Dickens once described his feelings on the practice:

> Upon looking at the first isolation cell in America. I believe it in its effects to be cruel and wrong. I am persuaded that those that devised this system of prison discipline do not know what they are doing. I believe that very few men are capable of estimating the immense amount of torture and agony which this dreadful punishment inflicts upon the suffering. I hold this slow and daily tampering with the mysteries of the brain to be immeasurably worse than any torture of the body

Occasionally a facility will admit to practicing solitary confinement, but justifies its use as "a means of protection" for "themselves or for the kids." Most institutions, however, deny using isolation, indeed, deny its very existence. Let me interject here that I believe some administrators are being honest when they deny that solitary confinement is being carried out in their establishment. But the administrators are not privy to the day-to-day interworkings and the varying relationships and toleration levels the guards, house parents, et cetera feel toward their wards.

However, several years ago in the State of Washington, I told a young, bearded, nattily attired administrator that I was writing a book on kids locked up in America. "Locked up? In this country?" he reacted incredulously to my mention of solitary confinement. He invited me to explore in "total freedom" anyplace I wanted to go on campus. "In fact," he said, "the kids will give you the tour." And they did.

The facility appeared attractive physically, but halfway through the tour, the youngsters began sharing their poetry with me, and opening up, told me about Fern Wing, which was not on the tour agenda. I returned to the administrator with the request to see Fern Wing. He turned white and refused to accommodate me. I secured the help of a young assistant attorney general and then saw one of the worst solitary confinement units—one long corridor of steel doors, behind which lay tiny, windowless cells. So, they do lie.

In the State of Minnesota, they told me they don't use drugs on the children. But I collected some poetry from the kids at Red Wing School that told about the hard drugs and about being placed in solitary confinement. About 6 months ago, I mentioned Red Wing School in a talk I was giving in Milwaukee, Wis. At the conclusion of my speech, an elderly couple came up to me. The man was very emotional. He had tears running down his cheeks. He said, "I used to be a carpenter at Red Wing. I used to teach woodwork. * * * I had to leave because of what they were doing to children at that place." He said he had worked there for over 20 years but could finally "no longer take what they were doing." So they do lie. Incidentally, just this past summer, there was another attempted suicide at Red Wing—the legacy of institutionalization.

We're now going to watch a very short video tape—thanks to an NBC affiliate in Montgomery, Ala.—of an iron cage found at the Alabama Industrial School for Boys. [Film is shown.]

It looks rather harmless at first, picnic tables, the chapel in the background has an endowment which earns $400,000 annually for chapel services. There are basketball courts, very lovely grounds—and the dormitories do not look bad. However, a young boy, a status offender, ran from this facility because he was homesick. He was picked up by a rather benevolent police officer to whom the boy pleaded, "Please don't take me back. They'll put me in the iron cage." The police officer believed him, took off his uniform and went to the reform school. Down in the cellar of one of the cottages he found those iron cages, built 19 years ago, where kids have been kept for doing things such as I described—from cursing to running away from the institution. Because of the insect and rat infestation, the kids made makeshift hammocks so they could sleep without being bothered by the movements of the night. The toilets were hooked up from the outside and sometimes were not flushed for 2, 3, 4, even 5 days as an additional form of punishment. Can you imagine the cost of human suffering over some 19 years in those cages that cost $900 to construct? This is part of the cage [shows part of cage]. I submit to Children's Express that they are as secure as the Vietnam Tiger Cages that were used for political prisoners during that American foreign policy debacle.

Allow me to talk for a moment about the ultimate effect of isolation—suicide. Nothing in my life has equaled the experience of visiting the rooms and cells across the United States where children have ended their lives in suicide—the doorknobs, the electric wiring, the bedbars—all suicide weapons. I witnessed the blackened windows and felt the dampness of the walls and doors. I touched the cold, moist, metal doors and realized that in the last hours of degradation, hope was defeated and life-supporting breath was lost there in a bedsheet knotted in a hangman's noose.

The depression was all-encompassing because I knew it would continue. The rooms would be used again and again to break the spirit, to break the child, to destroy life. A poem by a 16-year-old girl really sums up the atmosphere and the deadly depression of isolation. She wrote this poem after 7 suicide attempts and just before a final successful attempt.

There is a crack in the Earth
And I have fallen in.
Down in the darkness where I have never been.
People are looking, staring at me;
I lie here and wonder what do they see?
Shall I be here forever?
I cannot climb back
Rotting and dying in this horrible crack.
Am I alive or am I dead?
Oh God, who will save me
From this crack in my head?

Some people will tell you that solitary confinement has ended in institutions. Actually, they have simply adjusted the terminology. Now you hear "the crisis intervention room"; "the security treatment room"; "the quiet room"; "meditation"; "time out"; "the separation room"; for girls it may be called "the rose room"; for boys "the blue room"—all those titles have been initiated by professional staff people. The children? What do they call the rooms? With graphic, no-public-relations-intended consistency, the kids call them "the hole," "the black hole," "the jug," "the coffin box," "cockroach playground," and "the looney room."

Since publication of my book and doing three segments for CBS "Sixty Minutes," I continue to document States and facilities that still practice the inhuman use of solitary confinement. A private, religious institution named Rebecca Hall for Girls in Corpus Christi, Tex., places their youngsters in solitary confinement for listening to rock music—I have a feeling that could probably wipe out our entire panel here today." Rev. Brother Lester Roloff, owner and operator, realizes $3.7 million a year, soliciting money from his faithful to run homes such as Rebecca Hall for children.

In Utah, all new admissions at the Provo Canyon School are placed in solitary confinement for the first month or longer for orientation and are subject to lie detector tests during their entire 15-month stay.

I toured this profitmaking facility: Its solitary confinement cell is so small, it would be hard for someone who is tall to lie down.

At the Minneapolis Treatment Center for Behavioral Disorders, children were placed in wooden boxes so small they couldn't lie down to sleep. Kids were found chained for weeks at a time at the Helena State School for Boys in Putnam, Okla.

At the Virginia Eastern State Mental Hospital, I argued over using solitary confinement for kids placed there because the State of Virginia has no other proper place to put them. This is also true in Pennsylvania, New Jersey, and Minnesota. In the dirty isolation cells of Eau Claire Academy, owned by Clinicare Corp. in Milwaukee, I found youngsters heavily drugged because "they had been acting out."

On February 19 of this year, in the secure cat building of the Colorado State Mount View School outside Denver, I found two very small windowless isolation rooms with steel plates secured to the floor and supporting large U-shaped metal hooks. These metal hooks were for hog-tying the boys who fought or argued with the staff. Their arms were handcuffed behind their backs, their ankles handcuffed and a third set of handcuffs pulled the feet and arms together behind their backs and attached the boy to the wall.

To illustrate, we have a volunteer who's going to show visually how they do it at this facility in Colorado. And they are doing it currently. [Visual enactment takes place.]

I repeat, they are employing this type of punishment right now at the Mount View School outside Denver, Colo. The staff admits to it: The supervisor says it's only done for 10 minutes to "calm them down." But 10 minutes can be extended and experience has taught me that it is indeed extended.

The list of facilities goes on and on and on. Unfortunately, it will continue, for two reasons—the children really don't know how to legally protect themselves and it is difficult for the public to see or know what is going on.

I would like to end with an Indian poem that I came across in Albuquerque, N. Mex., which really sums up my feelings—and I hope your's, too, for the many poor kids locked up in this country: Chicano, native American Indians, Appalachian whites, blacks from our cities, Puerto Ricans:

> Cover my Earth, mother, four times with many flowers. Cover the heavens with high-piled clouds. Cover the Earth with fog and cover the Earth with rains and cover the Earth with lightning. Let the thunder drum all over the Earth, let the thunder be heard.

May you, the young of this hearing and of this country, thunder your disapproval of such an evil and destructive way of controlling children. May you accomplish what Presidents and Governors and Congress have never done—abolish forever the inhuman use of isolation on the children of this free land. Thank you.

Ms. **Moulds.** Thank you very much. I'd like to open the questioning with—I'd like to ask how does a child's attitude toward society and the world in general change after he or she leaves an institution?

Mr. **Wooden.** I'd like to answer that by using two personal examples. One, while working on my first book, I shared the chapter on isolation with a good friend of mine, an NBC war correspondent. Grant Wolfkill was captured in Laos by the Communists and spent 2 years locked up in solitary. Grant summarized his feelings, which are shared by countless institutionalized youngsters across this land: "You have such a strong desire to get the people who put you in that hole and to rip out their windpipes." He said to this day, 20 years later, "I would still do it."

Another example: I received a letter from a man in isolation, locked up for mass murder. He had spent his early years in one facility after another and had been mistreated. And he said, "You have seen me in the eyes of young people. I was just an early warning." That quote was written by Charles Manson.

It is very true: I have seen young people in solitary confinement and their eyes do reflect an anger, a hatred and a frustration that is frightening. I relate the practice of isolation to taking a dog, say a German shepherd, and keeping it in a closet for a month or so. You rarely feed the dog and talk to it harshly and kick it. Would you let that dog then play with your children? Of course not. Prolonged use of isolation in my unprofessional opinion creates hostility and hatred.

Mr. **Kinard.** Could you name some of the other causes that cause suicide besides isolation?

Mr. **Wooden.** From what I have been able to research, the most immediate cause of suicide is the first 24 hours of confinement, no matter where it is. That initial shock of being taken from free society and placed in a cell, behind bars, locked up, is so dramatic and depressing. The depression of those of us that work to end this practice is almost equal because we know that 90 percent of those kids should not be in institutions. And it's as true for the mentally retarded as it is for juvenile delinquents and status offenders.

Ms. **Moulds.** Would you please clarify the term "status offender"?

Mr. **Wooden.** Sure. A status offender is someone under 18 or 21 years of age, depending on the State, who has run away from home, been truant from school, or declared "incorrigible". In the State of Massachusetts the term is "stubborn," a stubborn child—under laws dating back to the turn of the century that really should be changed. Thanks to John Rector and Senators, especially Senator Bayh, those laws are being challenged. With the Juvenile Delinquency Prevention Act, which was passed by the Congress with widespread support, States are now being encouraged to deinstitutionalize noncriminal children.

Ms. **Moulds.** Do these noncriminal children—or status offenders—have a definite set prison sentence?

Mr. **Wooden.** Usually their stay is about 9 to 10 months, depending on the State. But sometimes it is an indefinite period of time. A boy will have a shorter term, about 9 months, while the average girl will stay between 10 and 12 months.

Ms. **Blinkoff.** Well, we heard from John Rector that the institutional system is now failing but what did it start out to be and how did it get the way it is today?

Mr. **Wooden.** During the turn of the century some very well-meaning court judges decided that it was most inhumane to keep children in adult institutions and to address their problems in an adult courtroom. So, the juvenile court was established. The family court was established. Its intent was reform and over the years some reform has ensued—social security benefits for dependent children, to name one.

These well-meaning reforms, however, also gave power to people who have overused and misused it over the years. For example, right now I'm working on a story where, thanks to well-intended HEW money, entrepreneurs have entered the childcare industry to "treat disturbed children" at $1,800 per kid per month. That's a lot of money: Room and board at Princeton University is only $7,000 a year. So the money in the reform programs has become the power behind creating a major industry in the United States—the care of children by professionalized strangers. I hope the Juvenile Delinquency Prevention Act is going to curb the States' jurisdiction over troubled children and their placement in impersonal and uncaring facilities.

Ms. LOZIER. You said before that boys stay in the institution shorter than girls do. Why is that?

Mr. WOODEN. That question was put to a very decent juvenile court judge recently in San Francisco. Judge Healy of Providence, R.I., replied, "I think judges play the role of a father a little more when a young girl is before their court than a young boy." And I also think they are much more protective of a young girl than a young boy.

Ms. MOULDS. What benefits do these authorities at the institutions receive for the confinement of the children? Why do they want to keep them there?

Mr. WOODEN. Solitary confinement is the ultimate form of control. It is the staff's ace in the hole to keep what I call "the hassle factor" down. The chemistry for conditions that will lead to solitary confinement is there. I mean, if you have 30 kids in a facility for a prolonged period of time and they can't go any place because of high fences and locked doors, you're going to have the chemistry for violence.

Mr. CLAY. Could we go now a little bit into the use of drugs in the institutions? Would you tell us about that?

Mr. WOODEN. Yes; the use of drugs—I call it the new solitary confinement—is very common in institutions, especially the new private facilities arising out of HEW funding, whose purposes are not to treat the child, but to make the buck. By using drugs the administration can control the children and keep costs down: Quiet inmates mean less people you have to pay salaries, along with fringe benefits, retirement, vacation time, et cetera. So drugs are used extensively in unethical facilities, which is a shame since many kids have told me that if they're not drugged, they can tolerate solitary confinement. Grant Wolfkill of NBC News confirmed this. He said with control of your mind, you can fantasize. He said he took trips all over the United States, all over the world. He fantasized doing his assignments for NBC News, too, all of which helped him maintain his sanity. The poem up on the wall here about the girl in isolation—she wrote poetry while she was there—but once they're injected with drugs or forced to take tranquilizers and things like that, their minds are then placed in isolation along with their bodies.

Ms. MOULDS. If a child is indeed put in an institution for a criminal offense, though minor it may be, after they leave the institutions how does their life change? Does it all stop from crime or how does their life change in general?

Mr. WOODEN. According to everything I have read, the recidivism rate—that is, the repeat rate—is about 80 percent; 8 out of every 10 kids that enter institutions will at some point in their lives, return for a worse offense. So the experience of institutionalization is not only detrimental to the child's spirit but it is also a classroom for criminal skills.

For example, several years ago I interviewed a boy who had spent 6 months in the Bordentown Reform School in New Jersey. Here, the other inmates on his cell block taught him how to crack a safe. They even had a model safe. Other interviewees told of learning housebreaking and car theft among other crimes—all in juvenile facilities.

Mr. KINARD. Could you give us the percentage of kids that leave these institutions that come back again to them?

Mr. WOODEN. Some children should be institutionalized, I believe. Kids who have committed violent crimes against others and against themselves. However, these violent offenders make up only 9 percent of all kids that are locked up. And it is this 9 percent to whom we should be committing our concentrated treatment in an area where they can be protected from themselves as well as protect society. For the noncriminal youth, let's find community alternatives.

Ms. BLINKOFF. Getting back to drugs for a minute, who usually administers the drug?

Mr. WOODEN. That's a very good question. It should be administered by an M.D., but in many instances—and there are lawsuits to show this is true—guards have given it, houseparents, even some of the owners—none of whom have any medical experience or medical license. In some places, part-time M.D.'s give their signature blocks to the owner to use at his discretion. And that brings up another problem. A lot of private facilities list an M.D. on their stationery or brochure. But the doctor's only function is to lend his credible title for purposes of funding, public relations, and keeping kids in the facility.

At this time, I'd like to make an appeal to those people at every level of this system that can no longer tolerate the inhuman treatment given these children. Inform the public, give your information to the local newspapers. Go to your Xerox machines and share your findings with your local news editor, or the production director of a TV station—or send it to Children's Express or to our organization. Get the information flowing and continue to live your consciences. I'm leaving for a State where employees that are working in the system are meeting with me on Wednesday morning to give me financial documentation.

Ms. MOULDS. Well, our time is up and thank you very much. You've been very helpful in Children's Express' research and preparation for these hearings and we wish the National Coalition for Children's Justice the best of luck.

Mr. WOODEN. Thank you, Robin. Good luck to you.

Ms. MOULDS. Our next witnesses are two formerly incarcerated children. Mike, a Sioux Indian and Tony, an Ojibway Indian.

TESTIMONY OF MIKE, A SIOUX INDIAN AND TONY, AN OJIBWAY INDIAN; FORMERLY INCARCERATED CHILDREN

MIKE. I'm from Minneapolis, up north in [inaudible] reservation and I'm going to talk about the abuse that I went through at Red Wing Center where they have solitary confinement. It's a very small room and they just put you in there for periods of 30 days, 60 days and it goes all the way up to 90 days. They put you in there and take your clothes away from you and then if you're still violent, if they can't handle you they'll transfer you on to jail. They'll call the police and they'll come up there and tear gas or whatever, whatever it takes and then you know, I've seen people gassed out of there; they spray tear gas in your eyes just to get you out and take you down to jail. They used drugs a couple of times as far as I know—that I've seen. Once they have drugged one kid to settle him down and they abused of couple of kids you know, for one I can say myself and I have been beat up a couple of times by the staff at Red Wing and then you know, chained down to a bed and you know, handcuffed.

Ms. MOULDS. Would you like to give a statement?

TONY. My name is [inaudible] and I'm a student at [inaudible] and I'm on the board of directors at St. Paul and the board of directors of the American Indian Youth Movement. These institutions where they have chains and these little boxes and everything, they happen everyday. To a lot of people they are nothing new. It seems like some people are really naive about things like this. Things like this just happen every day. I was in there and there's no life—no nothing; it's inhumane. I got out of there and they sent me to an Indian school (Red School House?) and there's a lot of love there and everything, and the students who have been going there for a long time, they're really on their toes. You can just tell it's something special there. In other public schools that I've gone to also, everyone is against Indian people, you know? The teachers are, the students are and they all gang up against the Indian students and there are not that many and they spread them all out, all over the city and they bus them. These institutions, for a lot of people, are as you say, amazing, but for Indian people it's just plain genocide. It's an existential world inside there. They're giving them millions and millions of dollars every year to run those places and they don't give any money to places like Red School House where there is culture and human values taught. That reflects the nature of the Government; they're funding all these institutions and everything that are breaking down families and people.

Mr. CLAY. In the institution that you were in, what was the practice of the guards? Did they regularly beat people?

TONY. Yeah.

Mr. CLAY. Could you elaborate on that?

TONY. What?

Mr. CLAY. I mean, for what sorts of reasons would they beat someone?

TONY. Not going to the places where they're supposed to be. One time my sister was locked in one and she looked over at the clock to see what time it was and the boys are on one side and the girls are on the other, and she looked over on the boys' side and she was locked up and hit and things like that. For looking on the other side of the room.

Ms. MOULDS. Did you ever have any experiences of drugs being administered to you by the guards without the authorities at the institutions?

TONY. No.

Mr. KINARD. Why were you put in the institution in the first place?

TONY. Things like not going to school. One time I was driving a car and the people let me use it and I didn't have a license and they put me away for that.

Ms. **Moulds**. For each of you, how long did you spend in these institutions?

Tony. Altogether I spent 6 months or so.

Ms. **Moulds**. Mike?

Mike. Altogether I spent say about 6 years.

Ms. **Moulds**. 6 years?

Mike. Yeah, off and on, about that.

Ms. **Moulds**. And how old were you in the period where you first entered and left?

Mike. I entered when I was 11 and left when I was 16.

Tony. I was 14.

Ms. **Blinkoff**. Were you ever put into solitary confinement?

Tony. Yeah.

Ms. **Blinkoff**. What was it like?

Tony. It's dead; it's just a room and that's it. I didn't really care about anything. There was nothing to care about at that time.

Mike. The one that we had, the one at [inaudible] before they switched it to an adult corrections facility, we were thrown in there once and it was just like a little jail. They put you in khaki pants and take your clothes away from you, give you a shirt and pants and put you in a little cell. It's just like a regular jail. In Red Wing they have—when they put you in solitary they take your clothes away, give you pajamas and a pair of socks and put you in and lock you up, and they keep you there for quite awhile. You got to show to up to 10 or 11 people that you can finally come out and handle yourself. About 50 percent of the people that leave there; people that I've known since I've been there, you know, have always come back there—at least three times before they are finally either paroled—they get their recommendation for parole from the whole group or else you know, they just ain't going to make it in Red Wing, so they put them back out on parole again.

Ms. **Moulds**. How have both of your attitudes toward society and especially toward the white guards who were abusing you, correct—well, how did your attitude toward them and society change when you left the institution?

Mike. Explain that again, because I don't understand you.

Ms. **Moulds**. OK. After you left the institution, you must have felt certain feelings toward the guards and the authorities in the institutions and toward life and society in general. Now how did you feel toward the people?

Mike. Well I felt dislike for them. I didn't like them to begin with anyway. After I left and did the time, when I left you know, I still had a dislike for them but now you know, it's over with and I can't help now what they did to me before.

Tony. When I got out, whenever I saw the police or guards I was scared of them and any type of force, anything like that made me uncomfortable. The way I felt toward people in general, I felt that they were so stupid because no one can do anything about it and no one is doing anything about it, I should say. You know, it just goes on constantly.

Mr. **Kinard**. You were speaking about solitary confinement. Why were you put in there?

Tony. Because I didn't want to go in my room; the room that thev had.

Ms. Moulds. And Mike did you ever experience that?

Mike. Yeah, I don't know. Mine were various reasons like runnin' away, or fighting with another boy or not listening to nobody. There in Red Wing you have to talk, you have to listen to people; you can't just turn around and smart off right off because they just jump on you like a bunch of savages. They yell at you they tell you to—they use expressions like "Check yourself" or they say "Start doing something to get out of here," you know. You're supposed to listen to them and even if you feel that it ain't doin' you no good you still have to listen because if you don't, they ain't just going to say, "Well, you can go home then" you have to sit there till you straighten yourself out. And they stay—sometimes, when somebody ain't doing' nothing' in the group, they'll put you in the "quiet room" that they got and then they'll pull shifts on you. Like two people will sit up and talk to you and when they're tired they can go to bed and two more will come and they do that. They do that around the clock until finally somebody gets straightened up—stop pickin' on another kid or stop teasin' him, callin' him names or whatever.

Ms. Moulds. Did you learn to accept the treatment that you received or did you feel rebellious against it?

Tony. I didn't accept it so I just got out of there and I'm not going to go back in anymore. I'm at the Red Schoolhouse now and I am out of it now and if I had stayed there, everything would have come back.

Mike. Well I felt about the treatment that they were giving us up there, I didn't accept it. I always argued back at them in a certain way; that's why I spent time in solitary because I would not listen to them. I would be sittin' in there for up to 45 days for the last time before I finally got out. I just went in there, you know, and they just put me in lockup the first day I got there and then they took me out, and put me back on parole—nothin'. Just in 44 days and then out. I didn't think that was right, you know. I tried—I called Minneapolis to some people I knew down there and tried to get a hold of them. I didn't feel that that was right. I tried to talk to the director, the superintendent of Red Wing, but still nothing came of it. I just sat my time until I got out. And then you go into lockup for runnin' away from the institution, or else if you go out on parole they'll put some Indian kid in a white community and he don't like it there and he'll run away and he'll go back to his home and from there on, they'll pick him up and put him back. What I'm tryin' to say is that they're not runnin' away from the white people, you know, they're goin' home. You know, they're not runnin', they're going where they belong.

Mr. Clay. You mentioned that you tried to talk to the superintendent. If you ever needed to talk to whoever is running the institution, was that ever possible?

Mike. I sort of set up an appointment with them, you know, call them a few days ahead to see if they would be busy on Thursday so we could have time to talk to them. One time we complained about the food we were eating up there. We went to the food service for some kind of—the food truck would come early and we wouldn't be there to give them the food carts so we would have to take it over ourselves, so we took it over there one day and we just actually saw roaches crawling around on the wall in the food service and that didn't look too good after we got done eating. We just actually saw the roaches crawling around in there. We didn't say anything until we talked to the superintendent and he said he he'd have the health department come in and look around. After that, nothing was heard about it. We just couldn't do anything about it.

Mr. Clay. And the superintendent never came?

Mike. No. We had to go and talk to him. So we went and talked to him and we asked him if he could have the health department come in and check to see what was going on, but after he said he'd do it, nothing ever became of it as far as I know.

Ms. Blinkoff. You mentioned tear gas before. When was it used?

Mike. It was used on this one black guy named Eric Brown who was in Red Wing and he was in lockup. He was just sitting back singing to himself, just being loud, you know? And then they told him to settle down or he'd have to go to jail so he just kept on doing what he was doing, so they called the police and the police came up and he wouldn't come out of his room. They tried to drag him out but he just wouldn't go out so they took a bunch of tear gas and just sprayed it right in his eyes and then they just got in there, handcuffed him and took him to jail. You know, we just stood there and watched; watched the cop just sit there and spray it; he just sat there and sprayed more than he needed; more than he even needed to gas somebody to have them settle down. Sometimes when they would call the police, the police would bring big long clubs; big long riot clubs and then they'd bring shields, tear gas and all kinds of stuff that wasn't even necessary to take somebody down to jail because they already had enough cops to put somebody down on the floor and have them settle down.

Ms. Moulds. How many kids were in these institutions that you were both in and were they mostly Indian?

Mike. No, not at Red Wing but at [inaudible] Center there were mostly Indians as far as I know when I was there.

Ms. Moulds. How many were there would you say?

Mike. I don't know. Almost half the population in there. [Inaudible.] Center is like a small town and all these kids were coming from the reservation who got in trouble; they would be coming from the reservation.

Ms. Lozier. You were talking before about tear gas. What exactly are the effects of tear gas?

Mike. Well, it burns when you get it in your eyes, you know, it really burns and the fumes even if they get into your eyes while you're just standing there watching, it burns a little bit; it's kind of made to burn your eyes so you can't see anything and know what's going on in case you want to fight or put up a big struggle. It's just to get you for awhile and settle you down.

Ms. Moulds. Did you ever feel any direct prejudice against you because you were Indian?

Mike. Yes; I did. One time when I was brought back to Red Wing and when I got put in lockup for the last time, I used to hear some staff walk in that I didn't like and he said, "Oh that Indian Mike Smith is back" and they'd say things like that. Or they'd say, "I see we've got a new Indian down there. I think you know who he is" or "There's some Redskin down the hall who's name is Mike Smith" and stuff like that. There was a lot of prejudice going on around there, especially the people who liked to act up, push around the staff and stuff; there was a lot of prejudice.

Ms. MOULDS. Did this degrade your sense of being Indian and did you feel lower?

MIKE. [Inaudible] people mad you know. Some people just use it on people just to make them mad to show a different problem which they call "easy aggravated" and that means when somebody gets mad—then when they get mad they start fighting and then they put you on the floor and they sit there and yell at you—they yell until you settle down. Then you get up and you talk about it, but I am just saying that the program is abused because we made a film one time in Red Wing about Red Wing and about the group meetings that were supposed to be shown on TV last—I think it was in 1976. In the summer of 1976 we made a film that was supposed to be about institutional abuse. We sat and we talked but they never got down really deep into where it's supposed to get at—like how they handle people when they get angry or violent. But I'm saying that the program is all right, but it is being abused.

Ms. MOULDS. Thank you very much. I hear you came all the way from Minnesota and we really appreciate your sharing your personal experiences with us and telling us how you experienced abuse in institutions. Thanks very much.

OK, we'd like to call our next witness. Mrs. Patricia Ballinger who is the executive director of Abenogue for Young Children which is an Indian advocacy organization. Mrs. Ballinger is an Ojibway.

TESTIMONY OF PATRICIA BALLINGER, EXECUTIVE DIRECTOR OF ABENOGUE, AN INDIAN ADVOCACY ORGANIZATION

Mrs. BALLINGER. Thank you. I'm going to keep both Mike and Anthony with me because you may think of other things to ask any one of the three of us and I think it would be better because we all work together anyway.

Let me tell you a little bit though, about why we work together the way we do. Even though Indian people are less than 1 percent of the population, every single day they make up at least 10 percent of the institutions. That means that that directly affects every single Indian family that there is in the country—every single one of us have either been in institutions or our brothers or sisters have been in institutions or our parents or we know our children are going to be in one. That's just a fact of life of being Indian here in this country. When you ask how long is your average stay—Anthony was a while and you know how long it has been for Mike. The average for Indian children to be in institutions like this is 4½ years. That's how long our kids spend in institutions. The Indian community has a thing called self-determination.

When President Nixon was in, one of the few things, positive things, that he ever said was that it was all right for Indians to practice self-determination. We then got into it. I bought a few pamphlets and brochures that I'll leave here for you. One of them is the Abenogue Center which is where I work, which is an advocacy group, one is the group home, [inaudible] Group Home, which is run by Indian people and by the kids. The Red School House that Anthony represents is run almost totally by the students and the parents. So I was going to tell you that the Children's Embassy and the Children's Express is on the right track.

I know that it can be done; I know that there's hope because our kids are doing it. We allow full participation in all of the decisions, from hiring on down, with everything that we do and it works. So we're saying that we know that you're right. This isn't just a freak for us. This isn't just a sideshow either. We know that it can work. We know that the kids can do it and have been doing it. There are a lot of problems that we have with institutions. I could have brought you all sorts of kids that run into these same experiences. A lot of the things that we also face are things like termination of parental rights. If once they get into these institutions they pass laws and get to the welfare and everything and begin terminating the children from the parents. In other words, they can be up for adoption or something and the family loses all rights to that child.

We have a very bad problem of certification, and I don't know if you know what that term means, but certification of youth to adult status means that you're no longer a child; you can be 14, 15, or 16 years old and by the courts be declared an adult, and sent not only to junior prisons but to adult prisons. More than 10 percent of all of the kids that are being certified again, are Indian children and for lesser offenses. One of our boys from the group home just about a month and a half ago got sent to St. Cloud Reformatory, the prison, for 20 years for stealing a car for the second time. So you know, we see these problems as everyday things; we see them at all times. One of the things that we talked about was how it felt, you know, how it felt to be in institutions. I think maybe you should think of it this way. Can you imagine being ripped away from your family and even your conscience and everything and the only way to stay out of solitary, the only way to get out of that institution and get home, and the only way to be free to be yourself is you have to act white. You have to act the way they want you to act in order to get out of solitary. You have to act and do the things that they want you to do. You can't be yourself. You can't be Indian in a white institution and I think that you can't be black in those institutions, from the people that I've talked to there.

I don't think you can be a child in those institutions and be yourself and get out of solitary. You know we see these pictures * * * you know these pictures we see every day; we see those things. And the sayings on the wall—that's the first thing that was pointed out to me by my brothers, here, that came; you know, they understood what that meant and they said "That's the way it is" you know? I know that and I think that this is the thing that should be obvious to the people that listen here today to you * * * that there has to be a stop to this.

I think that when you talk about: How did you feel to be an Indian? How did you feel in that prison? How did you feel when you got back? OK, if you're gone from your family for 4, 5, and 6 years and you can't speak your language anymore, and you can't smoke the pipe with the elders, and you can't have your own religion, and you can't even be with your grandfathers who are the teachers—and then 5 years later they send you back—they're making you act white and making you act different all of the time—to go back into the community is very hard, you know? You have to learn it all over again and then you got to decide, "Well, is this right or wrong?" because for the last 5 years they've been telling you that it's wrong to be an Indian or it's wrong to be yourself.

You've got to act the way that those psychologists and psychiatrists and guards want you to act. You have to act like they are. OK? And that's one of the things that we're trying to stop.

We know, and I brought a report with me that we did—this report was gathered by people from all over the country and one of the things that it says and I'll leave a copy for you to put into your records—one of the things that it talks about is how we would change it or how the Indian people themselves, because this was an Indian thing, these are the things. A major source of abuse and neglect in which Indian children are exposed is removal from natural family networks and placement in non-Indian homes or institutions. Rarely are such placements qualified or able to nurture an Indian child's heritage.

In other words, they lose. You go into an institution and even if you win freedom, you lose, OK? We're saying that we have the group homes. We snatched Mike out of the system. He's with the group home. He's living in an Indian foster home working directly with the group homes. He is doing many, many things that are good in the community. Anthony has been ripped from the institution and taken to the Red School House. Now Anthony is chairman; he is president of the student council of that school, again which hires the staff and who decides curriculum and who does what.

They have their own junior drum group, which is really a big thing. They have their own cultural things. In fact this week the Red School House and a lot of other youths are participating in spiritual ceremonies in Canada with other members of our tribe. The thing that we're talking about is that they can stop these institutions. They can not only stop solitary confinement, but they can stop locking kids up altogether—almost. And I just say almost, because I know I'll get an argument from a psychologist or somebody like that. I think we can eliminate them altogether.

But we're saying * * * we're talking about the survival schools and the group homes, but it says "Description and articulation of family networks and community interaction as a care system, represents a necessary pre-requisite to prevent family destruction."

This must be accompanied by Indian control of programs for Indian people. That's community control for the community. And we talk about Indians, because that's where we are, but we know that it also works for other people.

Ms. MOULDS. I think we better move on to the questions.

Mrs. BALLINGER. OK. The other thing is the jurisdictional thing. We don't believe that non-Indian people even have the right to decide whether or not our children go to white foster homes or not. That should be within the Indian community. Thank you.

Ms. Moulds. First of all, both of you referred to "acting white." The only way to stay out of solitary confinement was to "act white." Now what is "acting white" according to the authorities from these institutions?

Mike. I don't know how to explain it but it's like—it's like you can't. You've got a buddy in the institution and say he's Indian you know? In Red Wing I used to have another Indian friend in there and I talked to him and we would just joke around and have a few laughs. They considered that—that we were planning something. I couldn't talk to him because they thought we were planning to run away or planning something. You have to go to do things and you have to follow their program. You have to follow what they say. You have to either straighten up or it's back to lockup. You've got to do what they say and listen to them. You've got to understand how the program works and do it and do it right because if you don't you're just going to go to lockup.

Ms. Moulds. Did the institutions give you any loss of individuality at all? Did you feel that you were losing your identity as a person; were you becoming just a number in an institution; did you lose what you thought you were?

Mike. No.

Ms. Blinkoff. Mrs. Ballinger: Do you find that many kids return to institutions, to jails, after they've been institutionalized when they're young?

Mrs. Ballinger. Again, most of our children—once they're removed from home for any reason spend on the average of 4.5 years away from home. That doesn't necessarily mean in the same institution. They get moved from institution to institution to institution to foster homes and they run from a white foster home and will run back to the community and they get termed "incorrigible." The first offense for Mike for being ripped off was because he was called "incorrigible."

Ms. Moulds. For the benefit of the public, incorrigible is ungovernable or not being able to be controlled at the time by whomever the authorities might be.

Did you feel a loss of culture? I mean, were you losing your Indian tradition and Indian lifestyle while you were in the institution or did the authorities attempt to do that?

Mike. No; I didn't lose none, because after I got out I still wanted the same thing—to go to Indian ceremonies they had down at the Indian center, like powwows or whatever. No; I didn't really lose nothing. But the thing is, they wouldn't let you practice it. They wouldn't let you speak your own language at the school they had up there—the school was just like a public school—straight math, history—nothing about your own culture, nothing at all.

Mrs. Ballinger. There's an amendment to the Bill of Rights called the first amendment, and it talks about the right of religion and the right of your own way. That is absolutely lacking in all of the institutions that we visited. We've asked that we be able to bring the elders and the pipe into the institutions for our children. We asked that we could bring our Samoys, the drum and our Samoys (?) into those institutions and they said: "No."

We see priests going in there and we see sisters and we see ministers going in there and they bring all of their stuff in there and if one of our elders, traditional medicine men or anything comes in, they take apart their bundle, they take apart—they've almost destroyed the drum and stillwater. We had put through ceremony, we have a thing called a tobacco tie and it's a little bit of tobacco and it was placed inside the drum to help those people inside that institution and those guards pulled that drum apart. We have a suit now in Minnesota to guard our first amendment to try and rectify that. To get those things into the institutions.

Ms. Moulds. I think we really are pressed for time. Thank you very much and again we appreciate your sharing the experience of the Indian culture with us. Thank you.

We would like to call our next witness. Bruce Danto, M.D., who is a phychiatrist and police officer and he's the president-elect of the American Association of Suicidology.

TESTIMONY OF DR. BRUCE DANTO, PRESIDENT-ELECT OF THE AMERICAN ASSOCIATION OF SUICIDOLOGY

Dr. Danto. Good morning. There are some things which I would like to say which perhaps offer a slightly different perspective than what has been covered so far. I think it would be pointless to repeat what has already been said so eloquently and so clearly. I think what we're dealing with in terms of the problems of children at the institutional level in terms of what has been testified to already, is a reflection first of all, of the failure of the prison reform movement, which is over 100 years old but has not brought about one single, significant change in a positive way.

I think the second thing that we see, in terms of how it is and why it is that children are placed in institutions, is that it also is a very sad commentary on the failure of the mental health system and programs in the United States, which unfortunately places within society, the need to institutionalize children because there's no other viable or important or living alternative to offer troubled children; outpatient and in-patient care that is required.

I'd like to tell you about an example that has occurred as recently as yesterday in the city of Detroit. A 16-year-old boy has been using drugs, a partner of mine and a police officer from Southville Township has been trying for 4 days to get this boy committed to Clinton Valley Hospital in Pontiac. Finally, after being up all night on his own time, the boy was taken to the emergency room at Clinton Valley and one doctor saw him after he assaulted a police officer, and was very disturbed and very much out of it—very psychotic from drugs—and he felt that the boy should be admitted.

Everyone thought that this was successful disposition of an acute psychiatric emergency. The boy was admitted, but another doctor later saw him, disagreed, and ordered the boy discharged. The boy was discharged at 20 minutes after 4. At that time, the distraught mother who was called to pick up her son whom she could not manage because he was actively psychotic, was in no position to call the doctor because he was safely home, unavailable with his unlisted phone number.

I'd like to comment also on another example of a boy I examined a few months ago who was at Children's Village in Pontiac, Mich., who was there because he had killed a 17-year-old girl who had hired him to babysit for her 3 illegitimate children. Now when I came to talk to this boy who was a killer, and the case against him was airtight, he came in perspiring and I asked him how come he was sweating so much. He said he had just come from a game of "Slaughter Ball" in the gym. Now there are abuses of children in terms of inadequate sensitivity to how you deal with violent children. In fact, violent people in general. And when I questioned the staff at Children's Village about how it was they were using as a form of recreation for a killer a game called Slaughter Ball which only perpetuates under the guise of recreation the basic notion of violence as a way of coping with stress and achieving competitive advantage over other children, they looked at me and said, "It's no different here than it is out on the street."

Another thing that prevents something positive from being done within the institutional structure itself is that as is the case frequently in the public psychiatric hospital system, the pediatric institutional system in the criminal justice structure has people who themselves become institutionalized and the only difference is they leave at 4 p.m. and they have keys to get into the locked quarters. And there becomes a kind of institutionalized way of dealing with kids or dealing with the subjects who are placed in your charge at the institution. I think that along with the gradual creeping cancer of institutionalization, where the keepers become the kept until they're retired 25 years later, is the specter of a very gross and frightening and awesome event—and that is people staff a system at the institutional level which sees itself basically as being above the law and being beyond the accountability and I think that in a democracy, this is intolerable. And yet it's something we have tolerated ever since the last century.

A question was raised earlier about suicide—why children commit suicide and I think this is significant also in terms of why it is suicide appears at the institutional setting for children. Fundamentally, there are about five major reasons in general why children commit suicide.

Most of the children who commit suicide come from families where either a parent has committed suicide or where divorce has occurred. You know, in our society, it used to be that one out of every four marriages ends in divorce, we now know that it's closer to one out of every two. When parents divorce, children feel that the reason their parents do this is because the children are unlovable. They feel abandoned, they feel angry, they feel powerless to strike back. One of the ways available to them to express their resentment and their rebellion and their revenge is suicide, because it carries the tragic message: It is not you who will abandon me, it is I, through suicide, who will abandon you.

The second thing seen in suicide among children is that it occurs when a child feels isolated from the family and within the family unit.

A third reason is a concept known as "death knot." When a death knot exists, it means that parents have raised children to feel that life is fundamentally meaningless—sort of like Peggy Lee who sang the song "Is that all there is?" And in this contact, children feel that there is no sense of future for them in any positive way. In essence, for this child, the Ford in their future is death through suicide.

Finally, children frequently commit suicide because they're unable to achieve meaningful positive and important peer relationships with other children. This is particularly true in a high suicide age today, which is between the ages of 11 and 14 years.

Now, I want you to keep track of everything I just said because when a child is put in an institution, that's exactly what we force him into. If we put him in solitary confinement, there's no opportunity for peer relationships. We separate him from his family. In the case of the Indian child, who spent 6 years in an institution, the only future he could conceptualize as I listened to his testimony, was solitary confinement and total surrender in a genocidal manner to become the white man. So the very thing which gives rise to high suicide rates among children on the outside of an institution, is readily made available once the child arrives inside the institution, and it's no small wonder that we have this problem.

Another point I would like to make is that in terms of anti-suicide programs, it's difficult to establish them for children and adults in the incarceration setting because the problems that exist at home are reduplicated in the institutional setting—brutality, rejection, divorce, isolation, the failure to provide meaningful adult models with whom children can identify. They couldn't do it at home, and when they get to the busty matron or to the sadistic male correctional officer they have no more opportunity to identify with them than they did with their own parents, which led them coming to the institution in the first place.

Most of the staff, when they are available—and its' rare that they are available—it's considered by many to be a kind of armpit assignment or employment. They feel impotent in changing the system because of the political and administrative hardships that go along with the job. The staff who work with children, who really are violent and who are troubled—that 9 percent that Ken talked about had no concept and no training in terms of dealing with and understanding the violent person. And as a psychiatrist and police officer, I found this to be remarkably true, because I went through 12 years of college, a masters' degree in social work an M.D. degree and all of my training and nobody ever taught me anything about violence until finally a man held my children hostage and I learned how to deal with the man with the gun firsthand, unsolicited.

I think that this type of mental health person comes up with the very inept kind of advice that my last illustration will show. We had a woman from the department of social services in Detroit who had several children. She was brought in to the protective services unit of the Detroit Department of Social Services because she was beating her child; her child had run away from her beating and was found bleeding. A police officer brought her to the station—and in the station, in front of the police, she threatened to kill her child. Now this same mother had also killed another child in reality. She shot him. Somehow or other, this was interpreted in a court in Wayne County to be self-defense. Another child killed her husband—shot him, but the other children claimed that it was really this same mother who killed her husband and her son was taking the rap for it and is currently in Jackson Prison.

The worker at protective services who referred her to me sent along the recommendation for this mother that she wanted the mother to enter treatment with me because the mother needed counseling in terms of appropriate parenting techniques. Now I don't think you have to be a psychiatrist to figure out that that's almost unbelievable.

This same social worker with protective services who was a supervisor there is on the faculty of a local university school of social work teaching other students that this is the appropriate way of dealing with a family in which violence is seen. These are some clinical observations which I wanted to share with you in terms of some of the problems we deal with in the broader range that do not necessarily deal with the kinds of things that thus far have been testified to by the witnesses appearing before your group. Do you have some questions?

Ms. MOULDS. Yes. You mentioned the "death knot" where there's no sense of future for the child. How does this promote the idea of suicide for a child who enters an institution and is already mixed up or emotionally troubled?

Dr. DANTO. They fundamentally run out of gas. By that I mean, they run out of hope. A person without hope to feel that even with escape that suicide is the only exit from—as Sartre wrote in terms of his play "No Exit"—that death is the only way of escaping an oppressive restriction of freedom is a person who fundamentally feels optimistic about their future or growth. He becomes the victim of a "death knot."

Ms. MOULDS. You also mentioned that underachievement with peer relationships promotes ideas of suicide. Now how do you suggest the institution reform this to promote peer relationships between the inmates in the institution?

Dr. DANTO. Well first of all, they've got to have somebody there who understands what the function of peer relationship is. And second, in terms of underachievement, I would be derelict if I didn't mention one of the major problems in institutions. Many of the kids who wind up in trouble with the law and who are institutionalized in the criminal justice system are children who have learning disabilities and they're almost never picked up. [Ed. note: The learning disabilities are almost never picked up.] Because if they're not in school at the time where the best diagnosticians are to pick up learning disorders and learning disabilities of which there are a good many, these kids become very impulsive, they become restless, they become antisocial, many of them wind up developing what's known as "sociopathic" or antisocial personalities. And if they had been put into the right slot where they had been given the individualized instruction and small group instruction they need, and they had been given the opportunity to win, they wouldn't be pediatric criminals or child criminals. There is no program in institutions for these children at all; and there are hardly any programs in most departments of education. I wanted to get in that commercial because I think it's a very neglected area of concern about the needs of children, particularly in institutions.

Ms. MOULDS. You mentioned also the children have no hope and no sense of future as we said before. In an institution if they were put more in a group, in a group home, how do group homes and group care promote this and do children still think of suicide?

Dr. DANTO. Yes; they do and they're still subject to sexual abuse. What I would like to see happen—I certainly believe in small groups—I think that's much more preferable to large institutions for anybody, whether its adults or children. Second, I think we need institutions "watchers," like court watchers, who have the legal authority to enter, unannounced at any time, at any hour, and who have the power granted by law, to make regular, unscheduled inspections. I think the countability is the one very important—one of the most important ways of coping with the problem that we've been talking about this morning.

Mr. CLAY. You mentioned sexual abuse. Is this common in the institutions?

Dr. DANTO. Oh, very common. It's common also at adult institutions where children are admitted, particularly in terms of county jail situations. A lot of kids are called lamb chops, particularly to the adult homosexual, and they become victims of gang rape and most of the suicides that I have studied and reported in some of my writings have dealt with kids who have been sodomized and sexually assaulted in the incarceration setting. In Michigan, we have a big exposé now at the Puma State Training Home, I think it's now been renamed the Institute for Child Study and Development, and what you call it doesn't matter because these kids have been brutalized and they also have been sexually assaulted.

This is currently a subject of a grand jury investigiation in Michigan, right today.

Somebody you can't trust, somebody who is fundamentally a staff tool for the genocidal practices and policies of an institution in the matter of the Indian and I think this is equally true of other minority groups.

Ms. MOULDS. What do you feel is the main purpose of an institution? Is it to reform their lifestyle or is it basically to keep them under control?

Dr. DANTO. Well, the purposes I would outline are slightly different than what the law requires. First of all, I think there are, sometimes children are in insufferable kinds of family situations that are really individual concentration camps and I think some children need to be placed in a group setting where we can turn around their style of growth and development in a positive way and give them things and cultural enrichments and help and acceptance that they do not get at home.

I think second, the purpose of the institution should be a shelter, a place where a child can feel a sense of refuge and a sense of meeting the people that are unavailable to him a home, namely, people who are there, people who are stable, people who care, people who are concerned about him or her developing a positive approach to life. These are things which I do not think are currently available in many institutions.

Ms. MOULDS. OK, we'll have to wrap it up now, but thank you very much, I understand you have to catch your plane, sorry to hold you up, and thank you again it has really provided psychological insight.

Our next witness is Larry Dye, who is the Director of the Federal Youth Development Bureau.

TESTIMONY OF LARRY DYE, DIRECTOR OF THE FEDERAL YOUTH DEVELOPMENT BUREAU

Mr. **Dye.** I was asked to come today to share a little bit of our experiences around youth development concerns and some of my own experiences, so what I'd like to do is to take about 5 minutes and give you a little brief background and from that, move to some questions and answers that you might have here.

As you know I'm head of the Youth Development Bureau, within HEW, that agency has the responsibility for administering title 3 of juvenile delinquency bill for runaway youth, we run a number of projects throughout the country. Before that I've just been down here since January this year, I was working in New York State as the deputy director of New York State Division of Youth which was charged with the responsibility of working with all youth who are sent through the State system and I was running a series of facilities throughout the State of New York for the last 2 years and I have also worked in Massachusetts.

When Jerry Miller was in Massachusetts I was working out of the University of Massachusetts, working with setting up a series of alternative structures for youth who have been incarcerated with the law. But before I get into that, what I'd like to talk a little bit is also about how I came into this field. My first exposure to the field was when I was arrested on a drunk and disorderly charge. I finally progressed through what the sociologist call the popping hub cap, stealing car phases of delinquency, to the point of where I was in the streets of Los Angeles with a 45/38 sawed off shotgun in the trunk seat of my car, at 15 years of age.

I was arrested, and placed in the Los Angeles County Juvenile Home, escaped, was rearrested, placed in a maximum security institution for juveniles in the State of California where I did a little better than a year of incarceration, was out and came from that, finally graduated to adult prison where I did 3½ years of institutional time.

With that it's been kind of a broad range of experiences for me having both been exposed to the institutional structures from the time I was 12 to the time I was 24 when they released supervision from me to the time now when I'm working as both a professional in the field trying to develop a series of alternative structures with going through an educational process in getting myself reacclimated to society so to speak. So with that I want to just kind of leave it wide open. I'm here to talk about what we're doing from the Federal prospective.

I'm also here to talk about the various kinds of things that were happening to me as I was growing up in a different era than when you are growing up, but I think there are a lot of things that are common, especially as they are lived out in some of the scenes that you see on the walls here.

Ms. **Moulds.** I'd like to open up the questionings: What do you find is the most common crime for a child put into an institution?

Mr. **Dye.** What do I find is the most common crime? It depends upon how you want to define the child. I think we have a number of youths that come, for example, when I was administrator of New York State as what they call persons in need of supervision, children that do not adjust to a school system, children outside parental care, children who are unsupervisable in the local home community. We also have a large number of youths that come to us on what they call juvenile delinquent status. The majority of those youths will come on property crimes, stealing automobiles, joy riding or some kind of offense that's related to property. We have a very few youths that were coming to us for serious violent offenses.

Ms. Trentlyon. Could you tell us a little bit about how life was in the institutions while you were younger?

Mr. Dye. Well, life was very scary for me. I thought I was tough, I grew up on the streets, I lived in the streets of Los Angeles for a long time, but when I walked into stripped cells, you wait for hours, for example, when I was booked into Los Angeles County jail for 19 hours of booking time. In a cell with about 100 people, with one bare wall, bare boards around the wall, and all you had to do was set. That's all you could do. And it's a frightening, scaring experience. You tend to pull up and become very isolated, you don't want to talk to many people. The only thing you want is out.

Mr. Hollings. When you were in the institutions, were you ever beaten by any of the staff members?

Mr. Dye. No; I was never beaten by any of the staff members in any of the institutions I was at. I've been—how would I say—rather forcefully brought to an institution before, handcuffed and broken flashlights over my head, but that was during the process of arrest and not during the time I was in the institution.

Ms. Moulds. What offense originally were you put in the institution?

Mr. Dye. Originally, the offense I was charged with was in Los Angeles it was just a juvenile delinquency charge but I had broken into a sporting goods store and had stolen 32 pistols, 7 rifles, and 30,000 rounds of ammunition and they roped off two city blocks in Los Angeles. The Police Department came and arrested my crime partner and myself.

Ms. Moulds. And what was your attitude toward your fellow inmates in the prison?

Mr. Dye. At which point in time? As a juvenile, it was a very scary situation for me. I was 15 just turned 16, and opened up what the California Youth Authority called a new innovative experiment. The California Youth Training School in Ontario, I was one of the first 400 youths that arrived there. It's 1,500-bed facility. I looked up at men who were 24, 23, 19; California Youth Authority can handle people from the ages of 16 to age 24, and go up to the age 26. If they have custody of them at the 24th birthday. So I was 16 years of age, walking into a man's world and I had lived in the world.

I immediately formed allegiances with people that would both back me and stand with me in case there were any institutional problems. I formed very clear, negative attitudes in relationship to my involvement to the officers and the guards—the people that were in control of us.

Mr. Bakaty. Did you have anybody you could turn to—that you could trust?

Mr. **Dye.** In 1958, when institutions weren't necessarily the way they are now—no, there was nobody. I went in alone, went with the person I was handcuffed with, they booked us in, put us through the shower system and gave us our uniforms and it was up to me then to make friends in the block that I was placed in.

Ms. **Moulds.** What is the shower system?

Mr. **Dye.** Well, it depends on which joint, but it all seems pretty much the same. When you arrive in, both Los Angeles County Juvenile as well as Los Angeles County Jail as well as a number of the other maximum security institutions I've been in—you arrive, you're booked in; they take basic information from you, they strip down, take all your clothes, you are given the opportunity to send those clothes home or to give them to whatever charitable organization that they donate the clothes to and then they put you through a shower, they spray you with delicing sprays, they will give you a haircut and then they will give you a number and for the purpose of this presentation, I was A77527 for those 3 years of my life. As a youth, I was 52103.

Ms. **Moulds.** Did you have any identity as a real person? Was your name ever used?

Mr. **Dye.** I had an ID card with my picture on it that had on the back of it my name and my block number and on the front of it was my picture with my number across the chest with the name underneath it.

Ms. **Oestreicher.** When you were in a juvenile institution were friendships encouraged or discouraged, were you allowed to go and make friends, or did they say you shouldn't make friends or something?

Mr. **Dye.** We were allowed to have friendships, the friendships would revolve very clearly around cliques, we had racial tension, we had very subtle pressures by individuals, the confines of an institution where every day is dictated and mandated by somebody is very stressful. For example, you don't realize when you're walking down the street and you throw a rock across the lake that that is a release of tension, of energy, it's kind of a fun thing to do. You throw it inside of a joint, you may get written up with a 115. You can't do the simple things, a 115 is a disciplinary action that is given if you in fact do something wrong. You can get 115's from everything to having extra food in your room to various kinds of violence or acting up. So, yes, friendship was allowed, no, the friendship was not based upon what you would consider true friendship, it was based upon forced behaviors that you had to develop for your own survival.

Ms. **Moulds.** What were these forced behaviors that you had to develop?

Mr. **Dye.** Well, you get with groups of people that you know if something comes down and when I say something comes down, a riot, somebody gets on your case, somebody doesn't like you, there's added tension in the institution that in fact you react to it, pull back and you've got some friends you can stand with and will stand with you.

Ms. **Oestreicher.** While you were in the institution were you ever put in solitary confinement?

Mr. **Dye.** I've been in solitary confinement for three separate occasions, what would be considered to be maximum security, solitary confinement. Once for a week, for refusing to participate in school. Once, for 14 days for a, what two of us considered to be an April Fool's joke, which turned out to be interpreted by the institution as being something that was from their perspective reasonably crisis oriented.

Ms. **Moulds**. What was that April Fool's joke?

Mr. **Dye**. Well, we had a paint by numbers set in the wing of the dorm that I was in and so one of the other youths that was a kind of a funny kid that everybody used to hassle, we decided to put a little paint as a joke on the side of our face and it was red paint, for April 1 and then when the officer came by we were going to say "April Fool." The problem was when the officer and his night shift threw lights on the individual youth he didn't come in to check it out instead he called the local police and he called the superintendent of the facility and we had a—the whole place just broke wide open with all of the staff and everybody being called in because they were sure someone was hurt inside that facility. At which point in time a friend and myself decided it was best not to say anything and consequently we ended up with 14 days in lock up.

Ms. **Trentlyon**. When you came out of solitary confinement did you feel any different?

Mr. **Dye**. Well, I was hostile, I was hostile when I walked in to the institution after you sit inside a cell that you got out for a shower once a week, all your food was brought to you, slipped through the door and slipped back out, you have a tendency to hate a little bit more.

Mr. **Bakaty**. What was the solitary confinement cell like inside?

Mr. **Dye**. Inside it had a metal bunk, strapped to the floor, bolted to the floor, it had a stripped toilet and it had, well, that's all that was in the room. The door was solid wood controlled completely by the outside. There was no access through the window, it was a sealed room.

Ms. **Oestreicher**. Were you allowed to make any contact with guards, to speak to them while in solitary or did they forbid you to speak at all. What were the conditions, like about talking?

Mr. **Dye**. You had no real opportunity to talk to anybody else because of the nature of the room, you know, I mean you could yell down the corridor and there was absolutely no response, you get tired of trying to do that. Every time you would do that they would remove something, like the mattress, from the room, or strip you naked. So what you would end up doing is just waiting until somebody opened that door, or brought a meal around, and that's the limit of your communications, if you did knock on the door, beat on the door an officer would come down. So you did have the capability of accessing somebody, but after you do that so many times, you know, it sometimes gets very tiresome.

Ms. **Moulds**. How did your attitude toward society and people change after you left the institution and did it all revert you back to commiting crimes?

Mr. **Dye**. Well, my attitude toward society did not change during my institutional stay.

Ms. **Moulds**. What was that attitude?

Mr. **Dye**. Basically, it was an attitude that said, for me, that I had to get over on my own. I had been pretty much out in the streets. I defined my own life, I made money by my terms by that stage. The fact that I wasn't there to hurt anybody, and I wasn't there to aggressively act out. What I did was I made money according to my terms. What changed was nothing, maybe a little more hostility and less better ability to get by. When I say less better, I'm saying that during the time that I was in the institution, I severed contacts, I severed relationships in the local community and I increased my need for things because we set constantly and rap about all the good things you used to do on the street. Things that you did not have exposure to at this point in time and you'd be surprised on how a $5 ripoff got translated into $50 into $500 into $5,000 and pretty soon I was driving a Cadillac and having myself a good time wherever I was going, all because of a sense of isolation and a sense of your own identity development. In the context of doing that, you walk out on the street, and when I left the California Youth Training School, I left with a sack under my hand, I had $5 in my pocket and I had a bus ticket going to St. Luis Obisbo, Calif., where I had never lived before. I had a mother that was living there and that's where I was sent and I arrived at the bus terminal, that's about the extent of it. When I walked out of the California Adult Authority, I walked out after 3½ years and I had $50 in my pocket and my first pay check was to come 1 month later.

Ms. Moulds. OK, let's wrap this up, thank you very much for coming. I think you've really shown some personal experiences that have been interesting. Thank you.

OK, I'd now like to make an announcement, on Thursday at 11:45 in the process of our hearings, Senator George McGovern will come to testify and the public is invited then, and also to the hearings on Thursday and tomorrow so we continue that testimony. I'd now like to go on the the witnesses we're having a panel of Professor Patrick Keenan, of the Urban Law Center, University of Detroit, he's the author of "An Illinois Tragedy," a study of the shipment of Illinois wards to the State of Texas. Second is Harry Swanger, staff attorney from the National Juvenile Law Center and the coauthor of "Law Tactics in Juvenile Cases." Our next panel member, Jerry Miller, who is the director of the National Center for Action on Institutions and Alternatives, formerly the commissioner of youth for Illinois, Pennsylvania, and Massachusetts.

TESTIMONY OF PROF. PATRICK KEENAN, OF THE URBAN LAW CENTER, UNIVERSITY OF DETROIT

Prof. Keenan. Thank you for inviting me to testify before the Children's Express hearing on incarcerated children. I am a professor of law at the University of Detroit and as you've already mentioned wrote a book entitled "An Illinois Tragedy." The story of how I came to write that is somewhat interesting: the gentleman sitting furthest to my left there, Jerry Miller, was the director of children's services in Illinois and I filed several lawsuits against him and in the course of his directorship of that department of the government he discovered that a whole lot of Illinois children had been sent to Texas and nobody knew quite the reason why and because I was winning the lawsuits against him rather than pick a lawyer from inside the department he asked me if I would go down to Texas and look around, and I did.

I found some fairly interesting things which I wrote up in the "Illinois Tragedy" and it was, got, a fair amount of publicity I suppose. It was one of a series of events, publishing events, which should have solved the problem. I'm talking about that particular book; I'm talking about my friend Pat Murphy's book, that appeared in 1974 called "Our Kindly Parent the State"; I'm talking about Ken Wooden's book, "Weeping in the Playtime of Others"; I'm talking about Robin Lloyd's book, "For Love or Money"; I'm talking about a series of hearings that were held in the Congress, Senator Birch Bayh held them, I believe, in 1974, on the subject of children being shipped across State lines; I'm talking about Congressman George Miller's hearings in 1975; I believe Senator Mondale had some hearings just before he became a vice-presidential candidate; I believe President Carter made some promises to look into this in the campaign—I seem to recall something about that. Nothing has happened as a result of all that, nothing. If anything, there are more children being shipped across State lines today than there were at the time that Jerry Miller hired me to write the "Illinois Tragedy" and to investigate those places in Texas.

Now I'm going to say something that's probably going to make me unpopular with this group of hearing examiners and probably with the other people who testify today, but I want to get it off my chest. I think that you ladies and gentlemen are missing the point and I think that the people that have come up and testified here are testifying about the wrong things; and I don't think you should be asking questions and learning about whippings and handcuffs and chains and psychological and physical brutalization and time out rooms and suicides. I think you should be learning about one thing and I didn't bring any fancy film strips or a—handcuffs or any good stuff like that like Ken Wooden brings although it makes for very graphic testimony. I brought you one little exhibit.

I'm going to show it to you now, this is an American dollar bill, probably something which you are familiar with and have seen before, did you see that? And it looks like any other dollar bill. I'm going to change it a little bit. I'm going to take a marker and I'm going to write a big "F" on the back of it and now it's different from all the other American dollar bills, see that F, let me tell you how it's different. If I were to give this to Mr. Swanger and if he were to pass it to Mr. Miller, I could then—and he were to pass it to Mr. Bakatey and Mr. Bakatey were to give it to Miss Moulds, I could find that dollar, because it is marked, because it's got an "F" on it, now let's pretend that that "F" stands for Federal and it's the nature of Federal dollars that if they're given to somebody and somebody gives them to somebody else and the somebody gives them to somebody else it can be traced.

Ladies and gentlemen, you had appear before you today, probably the best experts in the country on the subject of incarcerated children and on the subject of children banished to States other than those States they live in. You've had the most important Federal officials and you will have extremely important Federal officials, a U.S. Senator included, appear before you. You hear the most knowledgeable people in the country on the subject that you are investigating, and if you were to ask those people the following questions this is what you would learn: Suppose you asked the question, how many children in the United States have been banished to institutions outside their own States? Suppose you asked the question, "How much money is the Federal Government, or how much money is any State paying to maintain children in institutions in their own States or outside their own States"; if you were to ask the director, the chief child welfare administrator in any State, "How many children do you have institutionalized or incarcerated in your State?"; you'd get the same answer from all of these people, they would have to say "I do not know." And it strikes me as shocking and a particularly fit subject for inquiry for this hearing board to find out why all those people have to say I don't know, because I don't have the answer and it is inconceivable to me that somebody hasn't looked into that.

Let me respectfully tell you why it's inconceivable to me. Every single Federal dollar that's given to the State must be given to it under one of two programs; the Social Security Act or the Military Medical Insurance System called CHAMPIS. Both of those laws which allow that money to be spent to maintain kids in places like these places you see on the walls and the places you've been hearing about all morning and will hear about for 3 more days, all of those dollars are traceable back to the Federal Government, all of them must be reported, and all it would take, would be the General Accounting Office, which supervises the expenditure of all the Federal dollars or the Director of the—the Secretary of HEW, Mr. Califano, or the Secretary of the Department of Defense to say to the States, "Where are you spending our Federal dollars?", because they all got a big blue "F" on them, and they can be traced. And you know what happens if the State can't tell them, or refuses to tell them, they cut them off. All the laws that allow that to happen exist right now. All the powers that the Secretary of HEW, the General Accounting Office and the Secretary of Defense have to force the State officials that are spending money to maintain children in these hellholes—all those powers exist right now today.

So why haven't they done it? I don't know, I don't know, I don't know. But it seems to me that it is fair to ask and it seems to me that if we're going to decide who the real bad guys are and where we are going to lay the blame for shipping these kids to these terrible places, and for treating them the way we treat them, maybe it is not just the guy with the whip and with the handcuffs and with the keys, maybe it's the guys sitting back there on the Hill. Maybe it's the guy there in the White House, maybe it is these real important guys and all these large white buildings around town—I don't know, but I just wonder if we are asking the right questions. That's all I have to say. Thank you for listening.

TESTIMONY OF HARRY SWANGER, STAFF ATTORNEY FROM THE NATIONAL JUVENILE LAW CENTER

Mr. Swanger. I thought maybe I should first give you a little idea of where I work and who is working with me. There are six lawyers at the Juvenile Law Center in St. Louis and we're funded to work on a national basis in all States to work on behalf of poor kids and their families and primarily this means issues that involve juvenile court, it could involve child neglect, child abuse, termination of parental rights, juvenile delinquency issues, but we've had a particularly strong concern with juvenile institutions throughout the whole country and currently we have lawsuits pending in five States that challenge the conditions of confinement that the kids live under there and challenges their treatment that they receive in those institutions. These states are Oregon, Utah, Oklahoma, Montana, and then the Commonwealth of Puerto Rico.

In addition to those cases which really we're dealing with posttrial, or after being found delinquent, the place that you would go, we're also in the pretrial detention area which is just as bad, the conditions are just as horrible and in fact there is probably less protection in those.

We're in juvenile detention lawsuits, which include jails in about four or five other States, so it's a massive problem, now I know we are focusing on several issues today, but, these suits do involve a lot of other things and I would hope that the Children's Express might take a look at those at some other time, for example, mail censorship, which is a huge problem in juvenile institutions, restrictions on visits, who may visit you, when they may visit you and so forth. Certainly solitary confinement is a gigantic question, overused, very brutal; corporal punishment is a way of life in juvenile institutions; use of drugs, use of mace, other forms of violence on kids are a general thing. Strapping, handcuffing, taping of mouths, those are practices we're running into in almost every situation. Use of stripped cells, that are equipped with nothing except a blanket, maybe a mattress at night and so on.

Now, the pattern emerging, as you can see we're in quite a few States, and I think there is a massive series of violations of kids rights, there's a massive brutalization of children in institutions. Now, I think the important things about the cases that we're doing, one of the most important things is that these are not tough kids. Invariably they are status offenders; we've heard people discuss that issue before— neglected children, children who, through no fault of their own, through their parents fault, or society's fault, have ended up being institutionalized. Those kids comprise maybe more than half of the kids that I see in these institutions and many cases go down as young as 9 years of age, so we're not talking about tough kids to handle, in fact they're kids that as some other speakers have said, 90 percent of them do not belong in those facilities.

Very briefly, on solitary confinement—what we're seeing is solitary comes in many different forms, sometimes it's a huge cell, but it may have other horrible things to it, such as bare wires, radiators hanging off the wall that really don't work, other filthy conditions, even with the size, are just as bad as some of the smaller cages that were discussed earlier. Worse than that, we see solitary within solitary, it's a common experience. Where you'll have a segregation block, that within it will be extreme solitary, where you might spend 24 hours a day in a very tiny cell, and then a little bit beyond that in the same unit might be some other cells that are very small, they might let you out a few hours a day, but you don't leave that segregated unit, you don't participate in any part of the school's activities or the training school functions. It's maybe a form of group solitary, but it is nonetheless horrible and almost as bad as the solitary solitary.

Second, on the use of drugs, definitely used as a control mechanism and for punishment and they are cropping up in most of our cases more often than not it is the intramuscular use of Thorazine and Thorazine-like drugs, often used following the precipitation——

Ms. **Moulds.** Could you qualify the term thorazine?

Mr. **Swanger.** It is the behavior controlling, behavior modification drug that would affect your central nervous system, cause you to function in ways that are not natural, as Ken Wooden put it, you know, your mind becomes solitary, they take control of your mind. I'm not an expert on those drugs. Finally, I guess on the third issue, the use of the violence on kids in institutions it's clear I think in every instance that there is incredible violence, staff against kids, kids against kids, and I think it stems from the very existence of the institution and the nature of the daily life there, so it's an enormous problem. Finally I'd like to say that legally these fights are enormous ones, would think from the horrors that have been described here that it would be easy to present these cases, easy to win them, it's not. The courts are still very insensitive, it's a long 2 and 3 year struggle. I wouldn't want to discourage people from doing these cases and I think they're all over, I can find one in every State if you really look for it, but I think there is some hope and its significant hope with the Juvenile Justice and Prevention Act and I think that the monies that are available within that act, picking up on the Federal money issue, I think the monies in that act can be applied to rework an entire juvenile institution system to move out of institutionalizing kids and for treating kids in some decent fashion. Getting them homes, getting them back in their communities, and think that the lawsuits coupled with a Federal push of funds can help a State to adopt what should be the policy, which they otherwise wouldn't do. Thank you.

TESTIMONY OF JERRY MILLER, DIRECTOR OF THE NATIONAL CENTER FOR ACTION ON INSTITUTIONS AND ALTERNATIVES, FORMERLY THE COMMISSIONER OF YOUTH FOR ILLINOIS, PENNSYLVANIA, AND MASSACHUSETTS

Mr. **Miller.** I'd like to just briefly thank you for asking me to appear here and to just share a few thoughts on institutes and institutionalization.

I headed departments in three major States; Pennsylvania, Illinois and Massachusetts, departments that have been responsible for running, in many cases the States' institutions, and it is my judgment and I think an informed judgment on that basis, that institutions are unnecessary. And you shouldn't take as a given that certain people need to be institutionalized because it simply is not true. There are perhaps certain dangerous people that cannot be on the street, but even in those cases they need not be institutionalized and one can talk about options there. I think we've shown that in the State of Massachusetts where in 1972 we closed all of the State training—reform schools for juveniles in the State and they've remained closed since then.

In that State, whereas previously would have between a 1,000 and 2,000 kids who would be called delinquents in one or another institution has not had on any given day since then more than 50–75 kids in any kind of locked facility for a population of 8,000,000.

And I think, the statistics that have evolved from that emanated from the Harvard Center for Criminal Justice which has studied it very extensively, show that in no way did the closing of those institutions threaten public safety. Crime rates are not up, juvenile violence is down a bit, everyone seems to get on quite well without the institutions and these are the institutions for delinquent kids. So, I don't think there's any question at all, that we don't need them.

But, I think Pat Keenan pointed to the issue that I hope you will pursue a bit and that is the finances of it, because that's what keeps these places going; it has nothing to do with whether they work or not, whether they cut crime or not, whether they treat people well or not, whether they're effective or not, that's all by the by. The institutions exist for other reasons, they exist to provide employment in remote geographic areas, they exist to provide political patronage, they exist to provide contracts with vendors, State institutions, people who bring in food, provide the oil, provide the roads and ground maintenance, and they exist primarily, I feel, for economic reasons, and they're kind of a holdover from the last century and they just have held on.

In this country we spend between $35 and $50 billion a year to institutionalize people, children and adults. So that it's a massive industry and it is a very difficult one to get at. I'd like to say one other thing and that is I take for granted that you are aware that the institutions we're talking about for the most part are institutions for poor children. We don't tend to institutionalize middle class children to the degree we do the poor. And that is a problem because that means the people we are institutionalizing have very little say over their own destiny in those settings, there's no consumerism in it, and we have basically a system with captives and keepers, even in institutions for deprived neglected children, children who have not committed any delinquency, for the most part we have captive children, by virtue of the fact they have no other option, they either go to this place or there's nothing, and if they don't like it they're interpreted as having the problem, not the place. And that makes for a lot of problems; if you took a very fine, private prep school, say Phillips Exeter Academy, that has upper class and upper middle class children, or youngsters in it, and you gave them nothing but captive students who had to be there whether they wished to or not and if they left would be put in a more secure, locked facility, you'd find that the very best faculty and the very best of administrators would start to deteriorate, they'd stagnate at best and at worse they'd start to become a little repressive and maybe as time went by even a bit brutal.

I don't feel there's any way out of this other than to get out of the institutions totally and completely and I think we can do that in this country, I just finished reading a report, I wish you'd asked the British Ambassador to appear here, Peter Jay, who headed the committee in Great Britain before he was appointed ambassador and their major recommendations for British children was what they called decarceration, and that is a move totally away from institutionalization of children. I hope that Great Britain doesn't beat us to it, because I think we should do it, we're the country, incidentally that invented these institutions; the first training school in the world was in Massachusetts, Charles Dickens visited it. We invented the penitentiary we invented the mental hospital. We're the country that's invented the use of institutionalization, and it's fitting that we should be the country to move first away from it. Thank you.

Ms. **Moulds**. OK. I'd like to open questioning now, first I'd like to ask Mr. Kennan, you often said that part of the fault was directed towards legislators and taken away mostly from the institutional authorities, now definitely the time spent in an institution by a child is a violation of a child's rights and we feel, this is what I got, an implication, is you seem to feel that this is not in the hands of the institution, but in the hands of Government totally?

Professor **Keenan**. If you create a system which allow people to get jobs, keep jobs and on many, many occasions, get rich by brutalizing children, under the American capitalist system there will always be people who will come forward to collect those dollars. I'm raising the question before this board of hearing examiners is whether the person that makes the dollars available and has the power to cut them off isn't in part, in large part, responsible for what goes on in institutions, every kid in the United States is a citizen, that's clear, there's just no argument about that law and the bill of rights applies to everybody, that means that kids have a right to be free from cruel and unusual punishment, that means that kids have a right to be at liberty unless they are convicted of a criminal act.

Now, it doesn't happen, why not, because kids don't vote, and because kids don't vote they don't have political power and because they don't have political power they don't, they can't hurt the people that make the political decisions that mess them over. And the question that I'm raising and asking you whether you might want to raise, why do those people who have the political power not respond to these obvious and repeated horror stories—because Ken Wooden was saying the same kinds of things when I first met him in 1973 as he is saying today. And the same kinds of things that were happening then are happening today. Why doesn't it stop? Because the money keeps on coming and is going to keep on coming until the people, the folks inside the Government who control the money cut it off. If you were to ask Mr. Swanger how many of the defendants in his lawsuits are directly or indirectly supported by Federal funds, I think he'd probably say something maybe over 95 percent, an awful lot of them. And I just wonder if we shouldn't look a little bit higher, for the culpability.

Ms. **Moulds**. I think that my question was not really answered. I've got to rephrase it. Because, you say its largely in part by legislators and congressmen, it's largely their fault, does this at all free the institutional authorities from total blame?

Professor **Keenan**. Absolutely not. Absolutely not. But, and I think the blame should be laid on their heads and that they should all be charged with aggravated assault and convicted and sent away for 5 to 15 years, no problem with that at all. On the other hand, it's not smart, it's not smart to walk down, to walk out at 14th and U Streets, carrying a solid gold brick under your arm. It invites trouble, if the message is "steal it away from" and I propose to you that that's what our State officials are doing by purchasing services from these places. Because, they're taking that Federal money that comes in to the State capitol's and they're pumping it right back out into, to the people who are running these places.

Ms. Moulds. Is this all the fault of Jimmy Carter?

Professor Keenan. All of these, as I said before, all of the money that goes, all the Federal money that goes to support these places comes to the Department of Health, Education, and Welfare, the Department of Defense to a certain extent, the Law Enforcement Assistance Administration of the Department of Justice. Those are all executive departments of the U.S. Government. Mr. Carter is the Chief Executive of the United States.

Ms. Moulds. Therefore, it is partly his fault?

Professor Keenan. Your question to me is "Does Mr. Carter have himself the power to stop this?", the answer to your question, Miss Moulds, is yes.

Mr. Hollings. I'm curious, when and why did you start your studies on child—on institutions?

Professor Keenan. Well, I was a storefront lawyer right after I graduated from law school and I started filing lawsuits against the Cook County Juvenile Home and the State of Illinois Department of Children and Family Services, of which Dr. Miller was at that time the director and it was in the course of a large amount of litigation in the Chicago area, mainly filed by an attorney by the name of Patrick Murphy that the information nobody had discovered up to that time that about between 800 and 1,000 kids had been sent from Illinois to some real bad places in Texas and Dr. Miller decided it was time that somebody ought to look into that and for some reason he asked me to be the attorney to go down there and check it out. And I've stayed with it since then.

Ms. Moulds. How would each of you propose legislative change to reform these institutions?

Mr. Swanger. It's clear that legislatures could pass codes that specifically spell out, even though they shouldn't have to, spell out the civil rights of children, that would clearly protect those kids who still are going to be incarcerated.

The second thing is they could decide that the institutionalization and movement away from these institutions is the way to go and set up funding techniques that would encourage that and that's being done in some legislatures where counties are being encouraged to keep their kids in their neighborhood by getting more support from the State than if they send them to a State institution where they, in the past, paid far less of the bill when the kids went to the State institutions. So you can set up funding mechanisms and encouragements to move to the policy, you can't pass the policy thing, it doesn't happen that way generally, you can't get a State to move in the right policy direction, but those would be two major things that I think could be done and third, would be a State really trying to sincerely comply with the Juvenile Justice and Delinquency Prevention Act by eliminating the jurisdiction of courts over status offenders, by limiting incarceration to very tight descriptions of people who commit serious criminal offenses and in addition poses an immediate threat to society. So I think that would be another dramatic limitation that could result from a legislative change.

Mr. Miller. I don't really feel there's much need for new legislation, but there's need to implement what we already have and there's need to, for certain executives and certain people in the Government, to have a few more guts and to take, make some very hard decisions. There's no problem, for instance, I heard someone earlier in here today say the problem was lack of alternatives, we don't have alternatives to institutions therefore kids languish in institutions. Well, there's some truth to that, but the reason we don't have alternatives is that we won't take the money away from the institutions and give it to the alternative, so that the only way that we can get alternatives is by doubling the money, and then we'll pay for alternatives and as soon as that money runs out we go back to the institutions.

The hard decision is, when you take the money away from where it is, most of the money is in institutionalization, take the area of mental health, I'm sure you've all heard about the dumping of mental patients into the community, into big hotels with no care, et cetera, et cetera, the reason for that is no one has ever taken the money away from the mental hospitals. Even though the population of the mental hospitals goes way down they don't take the money from there and put it into the community, and the reason they don't do that is because of all those jobs, because of all the union agreements, because of all the political patronage and all the friends of legislators that are working in them and all of those things. So, that you want to find out what is going on in institutions, look where the money is, as Mr. Keenan said, and you'll find in most States the money is there to sustain the institutions. You know in New York for instance it costs now to keep a youngster at the Spoffard Home—which has been described as a scandal—it costs $65,000 per kid, per year. Now think what you could do with $65,000 per kid per year. If it's a question of security, you could hire six people at $10,000 each to be on his arm all the time, if that's the issue, you could do a lot of things it's a question you don't want the problem in the community you could take him and his family and travel around the world for 3 years and you'd certainly have the problem out of the community and you might get something useful out of it. It's a matter that no one wants to deal with that, because to deal with that it means that you're going to perhaps fire some staff, or ask that staff move into the community and learn to do other things and you're going to have to move that money. Why does New York for instance still have Willowbrook? Why has that been so hard to get out of and Pioneer Hospital, why is that so hard to get out of? Because of all those jobs, so it isn't a matter of not having an alternative, it's a matter of how do you get that money from where it is to the alternatives? If we could put the money that we're spending on institutions in alternatives it would work.

In Massachusetts, for instance, we've found that the best alternative is something closest, approximating a family. And we can do that, if we spend $20,000 to keep a kid in a training school, it would seem to me we ought to be able to spend $20,000 to keep a kid in the community. Pennsylvania right now to keep a kid in a State training school with virtually no help, just warehousing them, is running between $32,000 and $42,000 per year per kid.

Professor **Keenan**. I agree with Mr. Swanger that we ought to abolish; decriminalize; status offenses. Because I think it's pretty dumb to lock a kid up and force him to go to school for refusing to go to school. Or lock him up, more crazily, in a place that prevents him from going to school, because he refused to go to school. I mean that just doesn't make sense to me. After that I agree with Dr. Miller. We don't need new laws, we got all the laws that we need, the main section of the Social Security Act which allows for the payment of foster care funds to the State, says "this act is passed for the purpose of maintaining children in their own homes or in the homes of relatives."

That money, the foster care funds are taken by every single State in the Union and used to place kids with strangers, never to maintain them in their own home, never to maintain them in the homes of relatives, and one great big change that we could make would be everytime someone decides a kid has to be placed, and I agree with Ken Wooden that that decision is made about 10 times more often than it really should be, but everytime that that decision is taken we called up the two nearest relatives of that kid other than his parents and said, "Hey, how'd you like to take in a foster kid? We'll pay you the going rate, I hear you've got a nice home, it would help us out, it would help out the kid." Most people would say yes, now that seems like a reasonable suggestion. So I took it to Dr. Miller and he said that's a reasonable suggestion and he took it to the department children's family services and they say "Are you nuts, what would we do with all these foster homes and institutions?" So I filed a lawsuit against him tried to force him to do it. He said I don't have any disagreement with that but I can't do it because of the way the institution's are set up in Illinois, because that's where all the foster-care funds are going.

That was 5 years ago. That suit is now in the U.S. Supreme Court for the second time and they're still not calling up relatives when they need to put a kid in placement. It seems crazy but we don't need new laws, legitimate rational administration of the laws that we have, we need to look at the laws as they affect and benefit kids, not as they affect and benefit the adults that are ripping kids off.

Ms. **Trentlyon.** Dr. Miller, you were saying before a child who commits a serious crime there are options, well, what kind of options?

Dr. **Miller.** Let me list a couple of them, that the Harvard studies in Massachusetts have found most effective. The very most effective option, this would be for kids who would normally be in the State reform school or the State training school as delinquent kids. The most effective option they found to be what they call specialized foster care. Now, they didn't mean by that just going out and finding a family and giving them a hundred or two a month to have a kid live with them. They meant hiring a person, usually a young person, maybe a college or a graduate school age and paying them a full salary to watch after one kid. And that kid was their job.

Now when you do that you can then say to that person who's salary you're paying we want you to have so much training and supervision and we want to meet with you to see how things are going and all, now they found that that is by far the most effective program for kids in Massachusetts. The second most is what they call the advocacy program. Again where they hired young people, very often of college age, and they pay them a minimum wage to spend anywhere from 20 to 50 hours a week with a youngster who lives in their own home, but they spend evenings and weekends with them. That's a lot of time, I bet it's more time then you see your parents, very often and there's a lot of research to show that was very effective and they found group homes were quite effective, but not that much more effective than institutions, small settings, three kids, maybe six kids living together in the community and we set up all of those options and I think about generally they've worked quite well.

Ms. Oestreicher. Mr. Miller; you said that the Massachusetts experiment, I guess, was successful. Why hasn't it been picked up by other States if it is really successfull?

Dr. Miller. That's a very good question, because, nothing in this field depends upon success or effectiveness. It's ah, the reason it hasn't been is because we had to make very hard decisions, what do you do with all the staff and all the institutions. Most States don't want to do that. Most States don't want to talk about the possibility that they may have to cut down the number of staff, or certainly reassign or retrain them, and have them do other things in the community. It's a very difficult political decision. It really doesn't matter whether things work or not in this field, because what it's all about has nothing to do whether it works or not, see, it has to do with other needs.

All the rhetoric is around whether we're cutting crime, whether we're treating kids well or not, whether it's effective, but that has nothing to do with why that system exists. That system, in most States, will continue to exist no matter what's done. Why haven't we looked at other European countries who have had very effective systems, why haven't we copied them? Because the political decisions would just be too difficult to make. And most governments don't want to do that.

Ms. Moulds. Are these options less expensive?

Dr. Miller. I don't like to be one of those who says the community-based options are a cheaper way of doing it. I don't think they should be less expensive. But the point is, for individual kids they probably are a bit less expensive, but for others they are more expensive. It just means that you've got a lot of things in the community see, you can optimize your choices, you have a lot of choices, so that rather than spending as Pennsylvania now does over $30,000 for every kid at a State training school they could spend, if they had the options going, they could spend maybe $10,000 or $15,000 for certain kids and they could spend $40,000 or $50,000 for other kids.

What we've got to know is a system where the kids who are most likely to hurt people and the kids who are most likely to have breakdowns are the kids who are most likely to go to adult criminal careers, are getting the least help in the biggest human warehouses—and the kids who are most likely to make it are getting the most help, in the community base and we've got to reverse that and the only way you can do that is by getting the money away from the large institutional settings where it costs the same for everybody. [Tape interruption] * * * institution, now the way we'll clean it up is to get better staff, more trained social workers, psychiatrists, more psychologists, and that will make it a good institution. And in fact it will not in very many cases. Because professionalism is no guarantee in this field. In fact some of the most professional institutions are just as brutal as some of the least professional institutions. It has very little to do with that issue. It has to do with the money and where the money goes.

Mr. Bakaty. You said earlier that you would call or talk to kids coming out of college, college age about taking a kid, why college age why not somebody older?

Dr. Miller. That's a very good question. We did take older people, it's just that a lot of times people college age have less other kinds of commitments to family and all and were able to. Larry Dye, the gentlemen who testified before us for instance set up the program whereby University of Massachusetts students took about one hundred of our youngsters during the winter break and took them up to the university, they lived in the dormitory and from there they placed them back into the community, so that there was a little more time, there's certainly no bias against older people doing it as well.

Ms. Oestreicher. Mr. Swanger, getting back to our opening statement about children not having any control over their own destiny once they get into an institution, what about their parents? Like thorazine, don't they require parental permission, like a slip or something that the parents have to sign stating its effects?

Mr. Swanger. Unfortunately there's very little control over in the institutions, there are no procedures often, the few procedures they might have are very ineffective in this regard and they may have some standing orders that really the doctors really play along with the staff and permit unqualified people to give the drugs. There's very little contact with parents which is really a strange thing because the institution is supposedly to prepare you, rehabilitate you, and get you back in your neighborhood and I think that few people disagree that one's family is a key element in that reintegration back in your community but I have never seen an institution that even tries in a half hearted way to keep in touch with parents, to make it possible for them to even visit their kids.

Most of these institutions are in very remote areas of the State, sometimes it's 300 and 400 miles from the parents home that they have to travel to get there and these are poor people they wouldn't be there if they weren't poor, so they don't have the money to get there so I guess in essence it makes it easier than to avoid parential review and have any requirements, the answer then would be well they're not interested anyway and they're too far away. I'm sure a lot of rationale would be developed, as it stands I'm sure there is a blatant disregard for what little law we might have, you know, on the consent issue. There are some proposals under the juvenile justice standards project which is a thing that's been going on for 6 years that would put some, they would really ban involuntary use of drugs, but there is very little control.

Professor Keenan. Can I pick up on that answer for just a moment. The subject of the nonconsentual application of drugs to incarcerated persons and particularly incarcerated minors is one of the hardest to get at in the country. One member of the panel asked earlier about what additional laws we need. Here's the perfect example, you don't need any new laws, everytime an adult gives a kid a shot of any phenothiazine of which thorazine is the most common and probably the most unpleasant, for any reason other than that kids medical interest, suppose he gives it to him because the institution is under staffed and they want to put him in the 20th-century straitjacket, that means you just knock him out, suppose they give it to him to make an example out of him to the other kids. Every time an adult does that to a kid he commits two crimes, aggravated assault, that's assault with a weapon, and criminal medical malpractice. And all we got to do is get some of these cowboy prosecutors out there to go to their grand juries and file those crimes, they are felonies you can go up for from 5 to 20 in most States for them and put some of these people away.

Ms. MOULDS. I don't think it's going to happen, but the laws are there to make it happen.

Professor KEENAN. Why haven't they happened?

Ms. MOULDS. Cause kids don't vote.

Mr. SWANGER. Is that the total reason? The institutions, again the remote nature of the facility has I think is a big factor in that. They are away from public scrutiny, they are places that we dont' go to, even if we wanted to they're very hard to get there. When you get there, unless you know what, unless you have access to everything you won't see most of the horrible stuff that's going on there. So I think thats a critical part of it, access, exposure, that's why at least I'm very biased that the lawsuits can be very helpful if we can't win a legal battle, sometimes we can expose through the case through the media, through public trial, what's really going on and hopefully raise the consciousness of the community or a whole State.

Ms. MOULDS. Referring back to the control of the child by the jail or the institution, Mr. Swanger, what role does the State play in the control of the child?

Mr. SWANGER. Well, the laws do vary in terms of how much power the State officials might have over a child, in some States and I think more typically a child in a delinquency case is committed to a State agency who often has incredible powers to move that child around to place them in the community to do other things, rarely exercised, Jerry Miller was an exception. It doesn't happen often but so they certainly have absolute control over the child's movement and custody and so forth, they would always have control usually over the supervision of the facility, licensing and a lot of other ways that States are totally involved in the process of locking kids up and obviously little is done there. Little exercise of those powers, I don't know if that answers your question.

Ms. MOULDS. It does answer my question. OK, well, we have to wrap this up now and I'd like to thank you, the panel members, Mr. Keenan, Mr. Swanger, and Mr. Miller, it's been a pleasure and I really think you've given a legal aspect to this whole incarceration process. Thank you very much. To the public I would like to announce that we will continue the hearings tomorrow at 10 to 1 and we will continue Thursday also at 11:45. On Thursday we will have Senator George McGovern to speak. Thank you very much for coming.

AN INVESTIGATION BY CHILDREN OF THE INAPPROPRIATE INCARCERATION OF CHILDREN

WASHINGTON, D.C., *March 29, 1978.*

PANEL OF CHILDREN'S EXPRESS REPORTERS: JESSICA TRENT-LYON, 12; FRANKLIN KINARD, 12; CHRIS CLAY, 13; MARA LOZIER, 10; AND ROBIN MOULDS, CHAIRPERSON, 13

Ms. MOULDS. I'd like to call our first witness, Dr. James Prescott, who is the health and science administrator for the National Institute of Child Health and Human Development, NIH; good morning.

TESTIMONY OF DR. JAMES PRESCOTT, HEALTH AND SCIENCE ADMINISTRATOR FOR THE NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

Dr. PRESCOTT. Thank you Robin, I first want to point out that I appreciate very much your invitation for me to be here with you. I'd like to share with you some information, some data that we have been able to achieve over the years of research that I think supports your case on the harmful effects of social isolation, incarceration, and solitary confinement, what we call sensory depravation.

As a matter of introduction I am a developmental neuropsychologist with the National Institute of Child Health and Human Development, Department of HEW. Given the nature of the subject matter to be discussed and my position of advocacy concerning the harmful effects of institutionalization and social isolation particularly solitary confinement upon infants, children, youths, and adults, I would like to state for the record that the views that I am expressing today are those of my own and do not necessarily reflect the viewpoints of the National Institute of Child Health and Human Development, Department of HEW.

There have been over the years a variety of behavioral and social science research programs supported by the National Institutes of Health and the National Institute of Mental Health that bear directly upon the subject matter of these hearings, that is the harmful emotional and social effects that result from institutionalization and social isolation or what we commonly refer to as sensory depravation.

A number of experiments with animals have shown that they found alterations of the sensory environment, particularly during the formative periods of development, not only result in serious emotional and social abnormalities in animals reared in these environments but also results in abnormal development and functioning of the brain.

Perhaps the most striking animal studies of the effects of social isolation or sensory depravation upon emotional social behaviors have been conducted by psychologists Drs. Harry [unintelligible] from the University of Wisconsin Primate Center where they separated infant monkeys at birth and reared them alone in cages much like solitary confinement, where they could see, hear, and smell other monkeys in the colony room but could not touch or be touched by other animals.

This kind of social isolation results in a variety of seriously disturbed emotional and social behaviors which you will see illustrated in a film sequence that will be shown to you in a moment. These infant animals would develop depression, become severely emotionally withdrawn, and show fear and avoidance to other animals and the human attendants. They would also engage in compulsive behavior such as repetitive rocking or head banging. When these infant animals grow into adolescence, they become extremely violent toward themselves and other animals. Some of these animals will engage in self-mutilation, that is they will bite and tear the flesh from their own limbs in an attempt to provide the sensory stimulation they were deprived of as infants. Adult female monkeys with such an early history of social isolation will brutally attack the newborns or completely ignore them. Human intervention is required to prevent the death of these infant animals from abuse and neglect.

It is my view that these animal studies provide the best animal model for understanding child abuse and neglect. Experiences that are too commonly reported in institutions for children, youths, and adults including our own homes.

There is one other animal study that I would like to report on before I show the film. There's a study by two psychologists, Drs. Mason and Birkson whose research was supported by the National Institute of Child Health and Human Development. These psychologists separated the infant monkeys from the mothers at birth and reared them alone in cages by themselves. There was one important difference however, and that was that the surrogate mother, that is an artificial mother provided for these infants and was a swinging mother surrogate for one group of infant monkeys but not for the other. That is, it did not move for another group of infant monkeys. The results were dramatic. The infants reared with the swinging mother surrogate did not develop the social and emotional abnormalities developed in the infant monkeys that were reared with a stationary mother surrogate.

The surrogate mother was actually a Clorox bottle wrapped with a fur rug and had a pipe attached at the bottom of the bottle for the monkey to sit on. This furlined bottle was attached to a pole that moved for one group of animals but not for the other. This absence of motion or movement was critical for the development of abnormal social and emotional behaviors and is comparable to situations where infants or children are immobilized and are not permitted to move, for instance certain kinds of medical treatments are for punishment for children in institutions; confinement in boxes and being tied down and the like.

It is this sensory depravation of movement and physical contact that produces social and emotional damage seen in infants, youths, or adults when they are placed in institutions where there are social and sensory depravation; for example, solitary confinement.

I'd like now to show the film which illustrates the harmful effects of social isolation upon animals and children and then discuss a few more studies which illustrate how the depravation of physical affection in the parent/child relationship and in youth/sexual relationship contribute to the abnormal social and emotional behaviors you will see on this film. I would like to thank C. D. V. of Toronto, Canada for making this program available to us and also some film clips which were taken from the film "Rockabye, Baby" produced by Time/Life films which goes into more detail on the effects of isolation, depravation.

I would now like to provide historical prospectives which illustrate how the medical profession has contributed to our culture of isolation and alienation in the parent/child relationship and why so many of us who have been brought up in ordinary homes in fact have many of the characteristics of more formalized institutions. In other words, what I'm suggesting is that the ordinary American family, unknowingly, has become institutionalized in that the parents deprive their infants and children of the necessary sensory stimulation of touching and movement. That is common ordinary physical affection, touching, holding and cuddling.

It is my contention that the children from these kinds of homes become prime candidates for delinquency and various forms of antisocial behavior that lead them into formal institutions where social isolation and depravation of physical affection becomes even more severe in the lives of these children. The irony here is that the children who were brought into society's formalized institutions are the most vulnerable to the effects of social isolation and sensory depravation. In other words, these children are placed into a social, physical environment that only contributes to their further emotional disturbance and reinforces in a more serious way the depravation that they have experienced in their own homes including child abuse.

I'd like to provide a quotation from Ashley Montague's book on touching because it really does illustrate how the medical profession and it's advice to mothers and the care of their infants has contributed to our cultural climate of not touching and not providing physical affection and this is from Ashley Montague:

> America, however, was massively under the influence of the dogmatic teachings of Emmett Holt, Sr., the professor of pediatrics at Columbia University. Holt was the author of a booklet, "The Care and Feeding of Children" which was first published in 1894 and it was in it's 15th edition in 1935. During it's long reign it became the supreme household authority on the subject, the Dr. Spock of it's time. It was in this work that the author recommended the abolition of the cradle, not picking the baby up when it cried, feeding it by the clock and not spoiling it with too much handling. While breastfeeding was the choice, bottle feeding was not discounted. In such a climate, the idea of tender loving care would have been considered quite unscientific so it wasn't even mentioned.

Although, as we have seen in places like the Children's Clinic in Dusseldorf, it had already obtained some recognition as early as the first decade of the 20th century. It was not until after World War II when studies were undertaken to discover the cause of morose depression that it was found to occur quite often among babies in the best homes, hospitals, and institutions among those babies apparently receiving the best and most careful physical attention. It became apparent that babies of the poorest homes with a good mother despite the lack of hygenic physical conditions often overcame the physical handicaps and flourished.

What was wanting in the sterilized environment of the first class and was generously supplied to the babies of the second class was mother love.

Recognizing this in the late twenties, several hospital pediatricians began to introduce a regular regiment of mothering in their wards. Dr. Breniman established a rule in his hospital that every baby should be picked up and carried around and mothered several times a day. At Bellvue Hospital in New York, following the institution of mothering on the pediatric ward, the mortality rate for infants under 1 year fell from 35 percent to less than 10 percent in 1938.

Now that was part of the history of our society and our culture and unfortunately is still continuing today and I want to provide another brief quote from Dr. Benjamin Spock in terms of his advice to parents on what to do when the infant has been fed, diapers are dry, and you put it to bed and it starts crying. This is his advice:

> The habit is usually easy to break once the parents realize that it is as bad for the baby as it is for them. The cure is simple, put the baby to bed at a reasonable hour, say 'goodnight' affectionately but firmly, walk out of the room and don't go back. Most babies who have developed this pattern cry furiously for 20 or 30 minutes the first night, and then when they see that nothing happens, they fall asleep. The second night the crying is apt to last 10 minutes, the third night there usually isn't any at all.

And he's quite right in the description of sequence but what we now have is a depressed infant, an emotionally withdrawn infant and so we've already begun the process of institutionalization, social alienation, emotional depravation right in our own homes. It begins in the hospitals.

So I think we have to understand this whole problem of social isolation in it's much broader social context and that we are in fact a society of culture that is really institutionalized in many different ways beginning from birth and we are all responsible in contributing to this type of mentality which permits the kind of social isolation, the institutionalization, the solitary confinements that we see in so many different institutions that's just a part of our culture.

I have another quote but I think I'll bypass that because of time. It simply describes the devasting effects of immobilization in a sensory deprivation study in which you can induce very quickly psychotic phenomena, depersonalization and very severe emotional disturbances as well as thought disturbances by immobilizing the head.

Of course, when infants or children are immobilized for medical reasons that carries the risk of this kind of disturbance when children or adults or youths are immobilized under various conditions you have again a reduction of movement and it's that reduction of movement that really produces the disturbed emotional behavior and that's why I'm trying to bring this into the context of your own experiences in respect to what happens in institutions.

I would like to summarize very briefly some results of a survey just to give you a flavor as to what is the degree of depravation that's experienced in our culture today. This is from a university sample and I would like to read the questions and the percentages that I give will be for male and female college students in terms of their agreement with the question so for the statement "I rarely seen my parents hug and kiss each other." 46 percent of the males and 41 percent of the females agree to that statement and I think that's a very devastating comment upon the affectional nature of the ordinary typical American home.

"My mother did not hug and kiss me a lot," 25 percent of the males and 18 percent of the females agree to that statement. "My father did not hug and kiss me." 55 percent of the males agreed to that, 34 percent of the females. "My parents have many unfriendly arguments," 20 percent of the males and 28 percent of the females agreed to that. "I do not get enough touching." 39 percent of the males and 26 percent of the females agreed to that. "I often get uptight about being touched," 29 percent of the males and 16 percent of the females agreed to that and as you've seen in the film, one of the consequences of not being touched and given physical affection during infancy and childhood is you develop an aversion to touch and at the same time you develop a high need for touching so it's a double-bind kind of situation.

The role of sexuality is very important here because it's also linked to the expression of affection, it's denial and violence and it is of interest that I found that 50 percent of the males and 49 percent of the females agree that "my mother is not adequate to discuss sex with me," and 54 percent of the males and 89 percent of the females agreed "My father is not adequate to discuss sex with me." In respect to physical punishment, 45 percent of the males and 24 percent of the females agreed to the statement, "I remember when my father physically punished me a lot." 22 percent of the males and 17 percent of the females agree with the statement "I remember when my mother physically punished me a lot." Now one of the items that I think is the most significant is "I remember when I ran away or wanted to run away from home," 65 percent of the male students and also 65 percent of the female students agreed to that question.

My point is that if we really had happy homes, children would not be running away from them and so I think that this is a very high incidence, 65 percent of the college students saying that they wanted to run away from home.

About agreeing with "I frequently feel unhappy, sad or depressed," 86 percent of the male students and 90 percent of the female students agreed to that. With respect to homocidal impulses, 17 percent of the males and 26 percent of the females agreed with, "I sometimes feel like killing myself." and with respect—that's suicide, in respect to homicide, 12 percent of the males and 9 percent of the females agreed with "I sometimes feel like killing someone else."

The last two items I want to mention to round this off, 48 percent of the males and 15 percent of females agreed with the statement "I have been knocked out unconscious at least once in my life." I think that's an enormous statistic. With respect to the statement "I remember when I used to head bang or rock back and forth" the behavior you saw in those monkeys, 14 percent of the males and 17 percent of the females agreed to that statement which I think reflects the severity of the depravation that's experienced in the typical American home.

These are some of the data that's been collected from various sources which I think bear very directly on the origins of alienation, why we are punitive, why we socially isolate individuals beginning from birth. So I would be pleased to answer any questions that you might have.

Ms. Moulds. OK; to open the questioning I would like to ask, you mentioned the alienation of parent/child relationships plays a part in this and I was wondering how does the alienation of parent/child relationships affect the child attitude to society and does this eventually compel him to commit criminal actions?

Dr. Prescott. Well, I think it's basic. I think the issue is how do we develop compassion for other people, how do we develop empathy for the suffering of others and you can only do this if you've been brought up in an environment of physical affection and compassion and nurturance. The converse sets of behavior results from the depravation, the lack of physical affection so that we become somewhat psychopathic, we become indifferent, we don't care about how other people feel and how they suffer. It's very basic to this whole process.

Ms. Mould. Another important aspect, a lot of institutional authority's excuse for putting a child in solitary confinement is that they're "protecting them from themselves" and do you agree with that and do you think that solitary confinement has any benefits for the child?

Dr. Prescott. I do not believe that solitary confinement has any benefits for the child. I think it's destructive and I believe that it's done more for the convenience of the administrator in institutions to control problems which they really don't understand and which they have the wrong kind of environment to deal with it in the first place. Again, the reason children are in these institutions are because they have been deprived of meaningful human relationships beginning with their parents and what we need to do is provide a different kind of environment, a human environment, in which there are people who care and who are nurturing and who are supportive, but our institutions don't really have those characteristics and it's extraordinarily difficult, even if you find individuals, staff people, in those institutions who do really care to try to implement a caring nurturing atmosphere in a prison-like environment.

Ms. Moulds. Well, therefore, aren't the institutional authorities the ones who are really emotionally disturbed?

Dr. Prescott. Well, I think that we're all, to one degree or another, emotionally disturbed. I think that we really have not understood very well the truly harmful effects of institutionalization, and I think this goes for the administrators and the staff people who administer these institutions. But that is another whole subject of inquiry. I think when you look into the psychological characteristics of guards in prisons and the like, you find that these are not the most caring, nurturing people in the world. I think these kinds of institutions attract their own kind to some extent, so I'd agree with you in part.

Ms. Moulds. Chris?

Mr. Clay. Do you have any concrete solutions for what to do, and if so, what are they?

Dr. Prescott. Well this is where perhaps my answers will not be too helpful. I like to take the long-term view, and prevention—we really have to reorder our whole society in terms of why we bring children into this world and if we do, then we have an obligation to provide an affectionate, nurturing environment. We have to prevent the child abuse and the alienation of physical punishment. So you see, this is deeply ingrained. The U.S. Supreme Court recently decided that children no longer have protection of the 8th and 14th amendments of the Constitution. You do not have protection from cruel and unusual punishment, nor do you have right to due process of law, and that was decided in the context of the right of the State to physically assault children in schools, called corporal punishment.

And when you have the U.S. Supreme Court coming out in support of adults physically assaulting children in school, I think you can understand the enormity of the problem. Where do you begin? What was the backround of the Supreme Court Justices that permit them to have that kind of mentality? It's an enormous problem and, in fact, it's very discouraging, but I think we have to begin someplace. And beginning in the parent-child relationship I think is the most effective way. Clearly, we have a process of education here and I think this is one advantage of these hearings—that we can bring out this kind of information.

Ms. MOULDS. What role does the deprivation of physical affection and the aversion to touch and the lack of sexuality from the parents of physical affection play in this?

Dr. PRESCOTT. The lack of sexuality among parents?

Ms. MOULDS. No; the lack of physical affection a parent expresses toward the child. What role does it play in this situation?

Dr. PRESCOTT. Well, again, how do we learn to be affectionate people? We only learn to be affectionate if we're taught to be affectionate. We have to have parents who pick up the infant, who provide the emotional support, the cuddling, and in this way you develop affectional bonds. You learn how to relate to another person beginning with the parent, in an affectional manner. If the parents don't do this, then how can you expect the children to develop into youth or into adults who know how to be physically affectionate?

They're emotionally crippled. Just as you saw with the monkeys, they develop an aversion to touch, so you develop a barrier to the very kinds of experience one needs to overcome the problems that have been created. So it's very basic to our ability to develop an emotional, affectionate life and the ability to relate in a sexually affectionate manner, and I think this is also why much of our sexuality is violent—why you find rape still on the increase in this country, rather than sexuality being a form of expression of affection and nurturing and caring, and so all of these are interlinked.

Ms. MOULDS. OK. I'd like to know, doesn't the deprivation of physical affection, maybe in the guards or institutional authorities' backgrounds, play a role in their cruelty toward the institutionalized children?

Dr. PRESCOTT. I would agree, but I don't have any specific data on the guards. I think this would be a kind of study that I would like to do or I hope somebody else could do. But again, you know, when we take this tactic, what I would like to make a plea for, is that all of us have been crippled in one way or another by our own early development, and the parents of these people did not know any better, and so I would not like to be vindictive, even against the guards and the adults who abuse children. I know that's a hard message to get across, but they are as much victims of their parents as the children have been victims of their parents. It's a continuing cyclic process.

Let me describe one case. It was an individual who finally was caught; he had raped about 30-some different women in Washington, D.C. He was very abusive to the women. A number of people felt he ought to be executed. In the long story about that person, at the end of the story, was one short paragraph, which said that as an infant, as a child, the mother's boyfriend that she was living with, would pour lighter fluid on the baby's feet and light it. Now, what I would like to point out here is—how else can you expect a boy like that, receiving treatment like that, who did not get help from his mother to protect him from that kind of a person, how can you expect that person to grow up to like women?

And so his violence against women I think was understandable, but again, this is not to say, to pass again an indictment on the mother. The mother has her own problems, her incapability of dealing with the home situation, of maintaining probably what little emotional relationship she had with this man and the child got sacrificed in the process. So I think we must always continue to go back and ask that the person who was the abuser is just as much the victim as the one who's been victimized. And we're all part of the same problem.

Mr. **Kinard.** With these statistics you show, the kids that have, these disturbed kids, when they go into the institutions, isn't there anybody responsible for them being taken care of?

Dr. **Prescott.** I think this gets to the problem of the institutional management of children who are producing problems for the community. A lot of the parents give up, and so they go to the courts and say, "You take care of them." I think what society tends to do is to establish the most efficient means, from their point of view, and less troublesome means of dealing with the children. Unfortunately, the children. I think the wrong way. Am I answering your question? I'm not sure that I have.

Mr. **Kinard.** Yes. I was going to ask you another question.

Ms. **Moulds.** You mention that our culture, our past history, has promoted solitary confinement and the use of that in institutions. Do you feel that our history, the American culture's history, has caused, eventually led to, the poor juvenile justice system we have now.

Dr. **Prescott.** Yes; I think that these are all interlinked. I think the whole process of dehumanization in so many of our institutions directly flow from these very early experiences. I mean, either we develop nurturing, caring, affectionate people or we develop individuals who are not nurturant, who are not caring, who are indifferent to the sufferings and needs of others, who are exploitive, who are psychopathic. And these are, I think, two clear branches that come out from these early developmental experiences. And so they affect all kinds of institutions in our society, whether it be the school system, starting off with the home, the school system, the judicial system. How do you account for the U.S. Supreme Court Jurists making the decision they made? It was a split decision, 5 to 4. I think it's an incredible documentary on how the various institutions in our society are affected by these early experiences.

I might point out that in the Supreme Court decision, the majority opinion cited moral character-building reasons for justifying the assault upon children by adults. And you find that in our Judao-

Christian heritage. Go back to Proverbs—to physically strike a child and beat the child with a rod, and you save his soul from hell. So, this is deeply ingrained in our whole religious moral traditions, that punishment is moral and it's through punishment and suffering and deprivation that salvation will be achieved. And so to really get into these issues is a heavy trip, because it really involves a very profound examination of our whole religious moral traditions as well.

Ms. MOULDS. Are you saying that our past poor morals have affected our current condition now in the institutions?

Dr. PRESCOTT. Our past moral values? Yes. And it's the moral values system, as I see it, that there's high moral value placed on pain and suffering and deprivation and pleasure is considered immoral. And you can find all kinds of evidence in support of that in both Old and New Testaments.

Ms. MOULDS. But hasn't our moral system changed over the years?

Dr. PRESCOTT. Well, we're in a process of change, and I think that's what characterizes the turbulence of American society today. And that's why, in the film sequence with respect to the film material that's permitted in our neighborhood theatres, you find no objections to sexually violent films, rape films for example—"Clockwork Orange" wasn't banned from our neighborhood theatres, but "Deep Throat" and some of the other sex films which have no violence are considered immoral and are banned. Why do we accept sexual violence and not sexual pleasure? Why do we close down the massage parlors? It's all part and parcel of the same problem—pleasure's really immoral.

Ms. MOULDS. How does this reflect reversion back to man's primitive origins?

Dr. PRESCOTT. Well, that's a more difficult question to answer. There are a number of individuals who like to take a more genetic approach to the problem: I do not. I think all the data I've been able to examine shows that the effects, or the factors that produce violence and alienation, come from the quality of our human relationships beginning with our parents. I think genetics has very little to do with it in any specific way. Obviously, genetics has something to do with our behavior—it must—but nothing that's really specific.

Ms. MOULDS. OK, thank you very much. We have to finish: we're pressed for time, Dr. Prescott. It was very interesting, and I think it was a really interesting comparison to the chimpanzees. Thank you very much.

Dr. PRESCOTT. Thank you, Robin.

Ms. MOULDS. I'd like to call our next witness for testimony, JoAnn, a 19-year-old girl who was incarcerated.

TESTIMONY OF JO ANN, A 19-YEAR-OLD GIRL WHO WAS INCARCERATED

JOANN. OK, my name is JoAnn, and I've been through what I consider every facility provided by the department of children and family services in Illinois. Because of the innocence of my mother, who thought that she was doing what was right for me when they said they could provide services that would help me, which I don't consider it being a help to myself.

Ms. Moulds. I see. I'd like to open up the questioning now. First of all, I'd like to ask you: what were your experiences in the institution? When did you first enter the institution?

JoAnn. OK, when you say institution, I have to tell you that I started out in a boarding school. Then I was put into a detention home, a foster home, another boarding school, another foster home, a State hospital, a training school, another foster home.

Ms. Moulds. How long was this period, that you were in institutions?

JoAnn. OK, I was 9, almost 10, and by the time I got out of the training school and was placed in my last foster home, I was 16.

Ms. Moulds. What were the causes for your first imprisonment?

JoAnn. When I first went to the detention home? It was because I was not getting along with my peers in the boarding school.

Ms. Moulds. How? In what way?

JoAnn. Actually I feel as though I wasn't being treated fairly, mostly because in the boarding school I was in, there was no facility for black children. What I mean is I was young, I didn't know how to comb my hair, and there was no facility for my hair to be done, so I'd go around nappy-headed before the natural came out. And the children were kind of picking at me. The reason that I went into the detention home, I think, was because of a nun there who was so exasperated with me for something—I can't remember why right now—that she spit in my face, and I spit back. And the next day I was called down to the social worker's office, and there was a man there, and he just grabbed me, tied me up with a rope, put me in a car and he took me to the detention home in Chicago.

Mr. Clay. There was no one there? Wasn't your mother there?

JoAnn. My mother?

Mr. Clay. Yeah.

JoAnn. No, she wasn't.

Mr. Clay. When the man tied you up and took you away.

JoAnn. No, my mother was not there.

Mr. Clay. And there was no one there to tell them to stop?

JoAnn. No.

Ms. Moulds. For what reason were you originally put in the boarding school that started this?

JoAnn. Well, I can't actually tell you why. There was some behind-the-scenes action. I assume, from what I've heard from my mother at this age, that she was having some problems raising me, being a working mother, and she was talking to the social service people, and they recommended her to the department of children and family services, who told her that they could provide a better environment for me, in which case she said, I guess being under the strain that she was, "Well, if you can, OK." And this is how I became a ward of the State of Illinois.

Ms. Trentlyon. Could you tell us a little bit more about how life was in the institutions?

JoAnn. Would you be specific? Which institution?

Ms. Trentlyon. What was the first one you were in?

JoAnn. The first one was the detention home.

Ms. Trentlyon. Could you describe how it was in the detention home?

JoANN. I was kind of frightened, because at the time I was only 10. If you're 10 years old and you're mixed in with teenagers, it's kind of frightening. I was mostly passive until a point where someone kept picking on me, then I started fighting. I can tell you that a punishment there was to walk up and down three flights of stairs, like about 60 times, with your hands up in the air if you were talking in the dorm at night, and the matron heard you.

Another one was to walk down long halls the same way, with your hands up in the air, until the matron decided that she was tired of watching you walk. And another one was scrubbing enormous floors with a toothbrush. And they also had solitary confinement. It was a small room; we called it Bluestone, because it had blue bricks in it. One room had no bed in it at all, and the other room had a steel frame, and if some previous person had been in the room and had torn up the sponge rubber mattress, then you had to sleep on the frame.

Ms. MOULDS. Could you describe exactly the physical conditions of the detention center?

JoANN. Well, basically it was set up—a large rec room, two dorms, and four separate rooms with one person sleeping in it for people who are considered troublemakers. It's like any other place I've ever been in.

Ms. MOULDS. What was the definition of a troublemaker?

JoANN. A person who talked at night, a person who fought a lot or possibly a person who some staff person didn't take to.

Ms. MOULDS. Mara?

Ms. LOZIER. Were you ever in solitary confinement?

JoANN. In the detention home?

Ms. MOULDS. At any time.

JoANN. Yes, I've been in solitary confinement numerous amounts of time. In fact, even in the boarding school we had a room called the quiet room, which was the solitary confinement room in that institution.

Ms. MOULDS. Could you elaborate on your experiences in solitary confinement?

JoANN. Well, I can tell you that it never really bothered me. They put me in a room and I laid on the bed, that's all, 'til it was time to get out.

Mr. CLAY. Do you feel that it affected you at all in any other ways, having been locked up like that?

JoANN. Well, I'm sure it has. There are a lot of things that I missed, such as—one of my biggest losses, I feel, is never going to a real school. And another one is, naturally, losing out on my whole childhood.

Mr. KINARD. When you were sent to the detention home, was it a court decision?

JoANN. Yes, it was a court decision. They took me there and said I was recommended to custody, and there I was.

Ms. MOULDS. Do you know when exactly you became in complete control of the State and were not any longer in control of your parents?

JoANN. Right. It happened basically about the same time I was put in the detention home.

Ms. MOULDS. And during your experience, did you ever have any physical beatings?

JoANN. I can say that in the mental institution, a couple of times I tried to resist restraints because I felt that restraints were not required for the problem, and the guards had billy clubs, blackjacks, and they would press them against my throat until literally I'd almost blackout, so naturally I'd return to being passive, because I didn't want to blackout.

Ms. **Trentlyon**. Going back to the solitary confinement, could you describe what the cell looked like?

JoAnn. Sure. I can't give you actual measurements of the room, but I'll tell you that they almost all had beds that were screwed into the floor, mattresses, a toilet that the water was controlled in a door to the outside. If you had to use the washroom, you could use it, bang on the door and maybe a matron would come and flush it. If you wanted toilet paper you had to bang on the door and the matron would come and roll off a couple of sheets and slide it under the door and they had a sink over the toilet so you could drink water, shower once every 3 days.

Ms. **Trentlyon**. During your period in solitary confinement and during your entire experience in institutions, do you feel personally insulted and I'm sure you felt abused but——

JoAnn. Well, I'll tell you I felt personally insulted that I had to be put in a State hospital because by no means do I consider myself the kind of person to be locked up in a State hospital and especially to be surrounded by people who were disturbed, which naturally had an effect on me, because if you live with other people, you have to communicate some type of way, so I would mostly lower my mental capacity to deal with them so I could have some type of company. I felt insulted yes.

Ms. **Trentlyon**. During this period did you at all lose your individuality or your personal freedom?

JoAnn. Well, I'm sure I lost my personal freedom, but I never lost my individuality which is what always caused the problem because they never could kill my personality.

Mr. **Clay**. Could you tell us about the guards, I mean what were they usually like?

JoAnn. They were usually big, husky men. Now that I think about it, there was a time when I resisted a guard and he beat me in my head with ham-like fists and there was another time—he wasn't a big man, he was a small man and he wanted to put me in solitary confinement because I didn't want to do a chore that was not mine, it was someone else's and he threw me down on the floor and he was strangling me and I finally managed to incapacitate him.

One of the attendants in the hospital tried to take away my personal property, which I felt was wrong.

Ms. **Moulds**. Which was?

JoAnn. It was a record, a 45 that belonged to me and actually what happened, a friend borrowed it from me and as she was handing it to me the attendant said that I couldn't have it because the patients weren't allowed to give gifts, which had never been a problem before and so they took it away from me and I got angry about it naturally, and I ran up behind her and knocked her down and they put me in restraints and they administered 100 mg. of thorazine every 4 hours for 20 days, intermuscular and 10 days orally.

Ms. **Moulds**. What were the immediate effects of this drug on you?

JoAnn. Actually, at this point in time the drug had no immediate effect on me because—I'm sure it slowed me down some, but not as much as they would have liked it to. Anytime I exhaust myself physically I'll go to sleep and I went to sleep by my own will and not because of the drug, the drug never really put me to sleep, it was just a way of kind of keeping me quiet.

Ms. **Moulds.** By what method were you confined in solitary confinement?

JoAnn. Now in the mental institution we didn't have solitary confinement we just had restraints and medication.

Ms. **Moulds.** During the 58 days that this occurred——

JoAnn. Let me stress that it was 30 days at one time and 28 at another and not a consecutive 58 days.

Ms. **Lozier.** Were you given drugs many times?

JoAnn. Yes; at one point I can honestly say that they had me on 250mg Thorazine orally four times a day which was 1,000mg of Thorazine a day.

Ms. **Moulds.** What were your feelings about yourself personally during your confinement; did your self esteem lower?

JoAnn. Well, as I say, I had been through solitary confinement in the detention home, in the boarding school and by the time I was put in solitary confinement in the training school it was just a matter of life and I was used to it. I can't think of anything special that I did except that sometimes I would have dreams and pretend that I was someone else until it was time to get out. It wasn't a fantasy, I just occupied my time.

Mr. **Kinard.** You said that it was a courtroom decision your going to a detention home, did you have the benefit of a lawyer?

JoAnn. No; I didn't.

Mr. **Kinard.** Did you resent this?

JoAnn. At the time I was too young to actually know what was going on.

Mr. **Clay.** You mentioned something about being in some sort of a hospital; could you tell us something about that?

JoAnn. I'll tell you exactly how I got there. I was in a foster home and my caseworker came one day and told me that I was going to a boarding school which is what I had preferred to the foster home that I was living in. On our way out there, she kept referring to a piece of paper so I looked over her shoulder and it said Elgin State Hospital and I said, "Why am I going to a State hospital?" and she said, "Well, you're only going to be there for a couple of weeks until we can get the boarding school thing straightened out." But I was really there a year and almost a month, 4 days short of a month, 13 months.

Ms. **Trentlyon.** What kind of activities did you do in any of the institutions?

JoAnn. In the detention home our activity was we played cards. They had some games and television. Once a week we were allowed to go down in the basement where there was a jukebox and we played ping pong. In the mental institution we had a movie once a week that I can recall. No exercising kind of recreation. In the training school we had swimming, roller skating, softball—we had a lot of activities there.

Ms. **Moulds.** Did you ever have any hope of escape?

JoAnn. I never tried to escape or ever entertained the idea because I had nowhere to go. I never had the chance to make friends to go to and I knew that my mother wouldn't keep me away from them so I just hung around.

Ms. Moulds. Franklin?

Mr. Kinard. During your stay in all these different reform schools, did your mother ever visit you?

JoAnn. Oh sure she did. But see, she had given up guardianship so all she could mostly do was complain which she did do when she came and saw me in restraints in the mental institutions, but complaining was as far as she could go.

Ms. Moulds. Did you feel strong rebellion against the guards and the institution in general or did you accept it?

JoAnn. I accepted it. At this point in my life I knew I had no control over my own life. I just rolled with the tides, you know. I tried to deal with, basically, every situation that they put me in.

Ms. Moulds. What did you believe your own destiny was?

JoAnn. I still don't know what my own destiny is so I can't tell you.

Ms. Lozier. Which was the one that you liked most, of all the facilities that you went to?

JoAnn. Well, to be honest I like the training school more because we had more to do, and by this time I was in my teens and this is the only place that I ever really made friends that I knew for, like years. In the other places, I was there some and then I'd go to a new place and lose those friends and I'd have to start all over. The training school was my most favorite if I could say that I had a favorite place.

Ms. Moulds. How did your time incarcerated effect your attitude toward society when you left?

JoAnn. I didn't have an attitude toward society. My time incarcerated as I think of it now was just the way my life turned out and I can't blame anybody and I just have to try to make the best of it, of what life I have.

Ms. Moulds. Did you at all feel resentful toward people in general?

JoAnn. Well, I'm sure that anyone in that type of situation would and I felt resentful that it seemed like I had never really been free. I mean I was 9 when I was put in the boarding school and from there the whole process, so I'd never really been free. I was institutionalized. But I seem to adapt to being free very well when I got out at 16, no problems at all.

Mr. Clay. Have you any idea why you were moved so much from one facility to another?

JoAnn. Well, it's possibly because of my temper that I had at the time which a person could not mistreat me and expect me to be passive. I've never been passive. At this young age I would be physically abusive to a person who did try to mistreat me. Or if someone tried to blame something on me that I didn't do and I was going to get punished for it, I'd hit them so I'd have something to be punished for.

Ms. Moulds. Did you at any time before you were in prison commit any crime which you were incarcerated for?

JoAnn. No; only—OK; I'll tell you—when they put me in a training school it was supposed to have been because I did hit an attendant in the mental institution, supposedly. But I came from the county of Cook in Illinois and I was railroaded you know like they took me to a court in Caine County which was against the law I found out later and that's how I got put into a training school.

Ms. MOULDS. And you never committed any criminal offense?

JOANN. I don't recall committing any criminal offense.

Ms. MOULDS. Therefore you were a status offender?

JOANN. If that's what you'd like to call it, I don't know.

Ms. MOULDS. For the benefit of the public, a status offender is a person who is incarcerated with no definite prison sentence usually and who has committed no written criminal offense but is defined as incorrigible or ungovernable. Yes; Franklin?

Mr. KINARD. While you stayed there, did you ever see any prejudice shown against you?

JOANN. Against me personally? I'll tell you, when I was transferred from the mental institution to the training school evidently my reputation traveled ahead of me and I was treated immediately, maximum security, which is not regular procedure. I was not screaming or flailing or anything when I was taken in but I was still taken to the maximum security and given medication without seeing a staff doctor from the training school, so I can say that there was some sort of prejudice there.

Ms. MOULDS. What were the reasons for the reputation you had?

JOANN. My reputation from the mental institution like I said, was from the fact that if I was going to get punished I'd hit so that I'd have something to be punished for and I had been in three foster homes before which I never seemed to adapt to. And I mostly always left in a fight so I guess this is what was always in my record and a lot of people read my record before they saw me and they had preconcieved notions as to what I was, and who I was, and was shocked by the person that I was.

Ms. MOULDS. Do you think that maybe the institutional authorities were intimidated by your strong spirit or will?

JOANN. I'm sure they were because they could never smother my personality or my will and they tried very hard, I'm sure they tried to break me but——

Mr. CLAY. You mentioned before that you were given drugs and medication without consulting a staff doctor. Who administered these drugs?

JOANN. A nurse in the training school. I don't believe that a prescription can follow you from one institution to another without—I mean, I didn't see a doctor before either but I didn't feel that the training school doctor had any right to administer medication to me without seeing if I needed it.

Ms. MOULDS. When you were put in solitary confinement for 58 days, what were your restraints?

JOANN. What were they made of?

Ms. MOULDS. Yes.

JOANN. OK, they were made of a cloth strap, extremely long maybe 6 feet long, each strap, they'd wrap it and it had a slit in it so they could wrap it around your wrist and put the end through the slit so that they could wrap it tightly and wrap it around again and tie it to the post.

Ms. MOULDS. What physical position were you in at this time?

JOANN. They would—the first position that you would be put in would be spreadeagle, if you know what I mean by spreadeagle, arms out and legs out.

Ms. MOULDS. You remained this way for——

JOANN. No, not for the entire time, for the first 24 hours, I was spreadeagle.

Ms. MOULDS. You were not allowed to walk around or get up?

JOANN. No. Only once a day after the first 4 days, I was allowed to get up around dinnertime, when all the rest of the patients were off the ward, and take a shower. Any other time I had to use a bedpan.

Mr. CLAY. You mentioned a mental institution. Why were you in a mental institution?

JOANN. I haven't the slightest idea.

Mr. CLAY. But you were put there from where?

JOANN. A foster home.

Mr. CLAY. And so they just told you that you were going to a mental institution?

JOANN. They told me I was going to a boarding school and when I got there I wasn't going to get out of the car and so my caseworker called the security guard and they came and dragged me out of the car and on to the ward.

Ms. MOULDS. Did you ever experience any physical sexual abuse?

JOANN. No, no.

Ms. MOULDS. Did you know anybody that did?

JOANN. I knew a couple of people who did, yeah.

Ms. MOULDS. Jessica?

Ms. TRENTLYON. Did they use tear gas in any of the places?

JOANN. No. No.

Ms. MOULDS. At any time during your incarceration, were you given a reason why you were there and were you satisfied with it?

JOANN. When I was incarcerated in training school? No, I was not given a reason. I can only assume today that it's possibly because of the attendant that I had, but there was no reason given to me why I was going to training school; just a statement made that I was going to a training school.

Ms. MOULDS. Didn't you ever wonder?

JOANN. Of course I wondered but I had no control.

Ms. MOULDS. Franklin?

Mr. KINARD. When you say you know certain people who have been sexually abused by—in the institutions, did the guards ever do this?

JOANN. No, not the guards, other inmates.

Ms. MOULDS. What attitude did you have toward the guards?

JOANN. I feel in the training school I made a lot of friends amongst the guards, I was kind of friendly with them. There was only one that I knew was really an abusive man. And as soon as you would visit him, he would start flailing at your head. His name was Otto and he was German and I had no experience with him personally but I've seen him beat a lot of girls.

Ms. MOULDS. What effect has being incarcerated had on your lifestyle?

JoAnn [pausing]. I can't. I can't—I don't think I've changed. Basically, I've always been me. I'm the same little girl, only grown. I can say that I don't have the temper anymore and that's about it. I haven't changed, I've just grown and any changes that come with growing—that's about it.

Ms. Moulds. Do you think you've developed any more of an understanding of human life?

JoAnn. I'm sure I have, yes, I have. I mean, I've dealt with all types of people in my life so I can understand a lot of different people's opinions.

Ms. Moulds. What do you believe is the main purpose of an institution, is it to reform or do they care at all about your lifestyle when you leave the institution?

JoAnn. I think an institution is a place to put people because they put me in the State hospital because they had nowhere else to put me and so they threw me in the State hospital and the same for the training school. I think they are just places to put away people that you don't want to be bothered with anymore.

Mr. Kinard. They put you in a detention home because they thought you were ungovernable but didn't they have anyone ever come to see you so they could straighten you out as far as they were concerned?

JoAnn. I'm sure not. All I know is that in my lifetime I've had at least 25 psychological tests and I'm sick of them and I know them all by heart, I give the same answers. But no one ever tried to talk me into seeing what my problem was. In the mental institution I never saw a psychiatrist, not once, no one talked to me about anything.

Ms. Moulds. Did you start to believe that maybe you were psychologically disturbed?

JoAnn. No, there's no way; I was not.

Ms. Moulds. You remained holding self-confidence?

JoAnn. Yeah.

Ms. Moulds. OK, thank you very much. I'm really happy that you shared your personal experience with us and it's been very helpful to all of us. I would like to call our next witness for testimony, Flora Rothman, who is the chairwoman for the Justice for Children Task Force of the National Council of Jewish Women.

TESTIMONY OF FLORA ROTHMAN, CHAIRWOMAN FOR THE JUSTICE FOR CHILDREN TASK FORCE OF THE NATIONAL COUNCIL OF JEWISH WOMEN

Ms. Rothman. Thank you first for giving me this opportunity. If you will, I would prefer not to talk about drugs that much although I have been to institutions where you were able to see a roomful of girls or boys who were nodding, drowsy, obviously drugged; nor about solitary confinement although in any institution you go to you could see the so-called quiet room which are the rooms without furniture, rooms that were described where if they do have a bed, it's nailed to the floor and there's a basin, but I'd like to talk about the essence of incarceration.

I think it was Benjamin Franklin who said that there are no ugly brides and there are no beautiful prisons and I think that goes beyond what some of the flagrant abuses are because it deals with the whole question of one's loss of freedom. To some children the concept of the loss of freedom may be not that unusual, after all they say they take their parents orders and they have to obey school discipline, they may go to camps that have strict schedules in terms of your activities for the day but they are never quite the same as training schools, as detention centers, and many of the other places that they do send young people. That freedom is a very precious thing and you have to realize how much you have probably only when you lose it.

Paula's feelings toward her training school, remember, came after years of what we would not consider the normal home, family life that most children are fortunate enough to enjoy. It's not only a matter of losing freedom, but for a boy or a girl in a detention center, it's also wondering what's going to happen to you.

What will happen in court, where will you be sent, where your parents are, and how they feel about this and if you're sent to a training school, it's wondering when you'll get out because in most cases you don't know. And, of course, for some children, it's wondering why they are there in the first place.

That relates somewhat to some of the myths that I think exist about institutions and when I talk about institutions for the most part, I am talking about detention centers, I am talking about training schools, many of our mental institutions. But there are other kinds of institutions that will fit some of these things and not others, but there are certain characteristics that one does find but for the most part as I say, I am talking about these detention centers and the training schools. Those are the jails and the prisons for children. You've learned already that we put different names on things if we put kids in there, so we feel better about it, but it really doesn't change what they are. One is the country club myth. This place looks beautiful, it's in the country, it has grass around it and trees and they are fed three times a day, obviously this is a terrific place and no one can feel sorry for anyone who has to stay there. The fact is that it doesn't have to be an ugly place for you to feel the effect.

I visited one detention center that was a relatively new one and it was set in parklike area at the outskirts of the city—brandnew, clean, sparkling which is one of the first things that you worry about if you go into a building where children are and it looks to clean, I worry. It was also very quiet, you didn't hear any voices and you looked at the bedrooms—I just feel doors that are locked from the outside are not what we consider bedrooms and they had beds with bedspreads and a dresser in each one. Nothing on a wall, nothing on a dresser, nothing that made one room look any different from any other room. The boys and girls in that institution were not allowed to have anything of their own. They weren't allowed to put anything on a wall. They couldn't even wear their own clothing and this was a detention center.

These were children who under our system one assumes are innocent until proven guilty and in fact many of them were not even alleged to have committed crimes. They were status offenders. That, it seems to me, says something about not relying on the superficial beauty or lack of it of any building to decide if this is a proper place for youngsters.

There are some other myths. One is that it's necessary to have institutions because that's where we place dangerous children. The fact is that over the years we placed a great many nondangerous children in those places. The statistics vary somewhat from jurisdiction to jurisdiction and from State to State but there's every reason to believe that perhaps 5 to 10 percent may be the children whose acts we would consider violent, serious offenses and that's a generous estimate.

Over the years we have placed a great many children who were status offenders that is children who are not even accused of crimes. This is particularly true in the case of girls where several years ago when the Justice Department conducted it's census of juvenile institutions they found that something like 75 percent of the girls who were locked up in these places were locked up for status offenses.

That has begun to change with the impetus of the Juvenile Justice and Delinquency Prevention Act which is called upon to say not lock up status offenders if they want some Federal money and let me tell you that has not been an easy thing to accomplish and that effort is still going on and these are not the dangerous children who are being locked up.

There's also a myth that it's necessary to have institutions to provide treatment. The fact is that there are many children who don't require treatment, that is they are not ill. Very often children who run away from home, for instance, are children who are running away from intolerable home conditions. That may be a very healthy move on their part. They may need services, they may need a place to live, they may need help in dealing with their parents but that does not mean that they should be picked out of that whole situation and be the focus of treatment.

The fact is too that a lot of the places really don't provide treatment. When Paula described her experience at Elgin State and said that she had not seen a psychiatrist there, that says something about an institution that is supposed to be providing treatment as it's main responsibility. Because our institutions really have as a priority custody and control and these become the prime determinates of what goes on in an institution.

One of the other ways that we can see what the myth of treatment is is when I mentioned the effort to deinstitutionalize status offenders, one finds in a number of States that they then say, "Well, we don't know what kind of services we have to provide, if we don't have them in the training schools." If those services were being provided at the time, there would be no question about that. They really don't know because all they were really doing was keeping them someplace.

There is a myth too that institutions are necessary because there are no alternatives and I think that the mythical quality to that comes from the fact that one would seem to be saying that these institutions were created at the same time that the mountains and the seas were created, they were not. They are matters of conscious choice and they are matters of the way that States choose to use their money and they spend substantial sums for the purposes of maintaining institutions and then filling them with children. They are chosen because in many cases they are out of sight, nobody sees them and because we are dealing with communities who just want to see problem kids out of the neighborhood, they don't care where, they don't care what happens, they just don't want to see them.

And one last myth and this is an unfortunate one is that we can make institutions disappear easily. You heard yesterday from Jerome Miller who is of course known for his efforts in Massachusetts but what he was able to do there was not without difficulty and there are still some problems that exist. There are not many public officials who are willing to risk what the Governor of Massachusetts and Jerome Miller were willing to risk in that State at that time because in addition to the public sentiment that says lock kids away there there are jobs involved, there are people working there.

In some places where we put our training schools in some small towns away from the major cities, that may be the company, the industry for that town and nobody wants to see it locked up because those jobs go. What is very difficult to do is to convince people that we may take a child away from a neighborhood for 6 months or 9 months or a year but that child is going to come back and you have to be concerned about that child being a constructive member of your community after incarceration.

Removing a child from his or her community and then throwing a child right back in after an incarceration experience does nothing to make that child happier or the community happier. That's why I am suggesting that although you are concerned with drugs and you're concerned with solitary confinement, the most important concern is that you broaden your concerns and that you look at the system generally. There is one thing we're learning from the whole matter of deinstitutionalizing status offenders and that is that systems resist change—Nobody likes to be told that what they have been doing is not terrific, and nobody likes to be told that they have to do something a different way, and so people will try to subvert what you try to do, will try to circumvent it, and so if you knock out drugs, and you knock out solitary confinement, but control is still the essence of what that place is all about, it's going to find some other way to do it. It may be physical restraint or it may be as Paula described walking the stairs with your hands in the air.

There is also the difficulty that if you do manage to correct a flagrant abuse then a lot of people sit back and say, "OK, that problem is solved. We don't have to pay any more attention to it." But that's not the case with the places and the reasons for which we lock up children. That's a deeper and a broader problem. It goes beyond correcting those particular abuses because the drugs and the confinement are not peripheral extraneous phenomena. They grow out of the essence of institutions and the problems of control in a large institution and I think they have to be looked at that way.

I think there are some ways that we can start to move. One would be to work for smaller facilities to which we send children rather than the large ones, to limit the children who we do lock up to have pretty good reasons for those who we put into secure facilities and have to justify what we do. I would suggest also, to correct the abuses that your talking about but that requires that somebody always watch, somebody always monitor. I think it's the State's responsibility to do that and I think it's the citizens' responsibility to do that. I would suggest that when you consider your recommendations, you consider what the citizen role is in making sure that whatever reforms are achieved are than maintained. Thank you very much.

Ms. Moulds. I'd like to open questioning. You mentioned the family is the main role which is played in a child's action of crime that eventually leads to incarceration. Can't you blame our culture and our lifestyle of past history for part of that blame?

Ms. Rothman. I have great problems in selecting any one cause to explain for which we lock children up. For one thing we subject children to court intervention for so many things, so many kinds of behavior, that there is no one thing that explains them all. Indeed, I don't suggest that it's entirely the family either. I suggest that it's quite possible, for example, that a child will truant because (a) what's going on educationally in that institution is not working with that child; (b)—and this is one of the things that I believe that Wolfgang has found in his studies in Pennsylvania—that there are children who truant because the violence that goes on in their particular schools is such that they are afraid to go to school.

You're dealing with one kind of behavior but there are a number of different reasons why that behavior exists. It may exist because there is a bad home life, it may exist because a child has a learning disability. I don't know. I don't see any one cause. I don't think we've explained it nor do I think we can explain all violence with one cause. It seems to me that different forms of violence occur in different situations under different stress and that there may be varied causes at work there. I would hesitate to point to any one thing and say, "Now, if we can just take care of that, we have it made." I don't know the one thing I could point to.

Ms. Moulds. You mentioned the theory of a country club image these institutions have, now I've been informed that most institutions are very contrary to this or have very poor conditions. How many institutions are there in fact in this country that are part of this country club image?

Ms. Rothman. You have to realize that most of the public has never been in an institution. They have driven by and what they see from the outside is a nice big building with a playground perhaps or a ball field although they may not notice that there are very rarely children there, surrounded by grass and trees which accounts for a lot of the staff that we have at these institutions—one of the reasons that they are so expensive. They don't go in, they don't know what it's like to be in a locked room. They see the facade and it looks pretty good.

Ms. Moulds. You mentioned there are alternatives for methods of institutionalizing and incarcerating children. What are these alternatives?

Ms. Rothman. First of all let's take a look at detention. Figuring that we put something over 10 times as many children in detention as eventually wind up in training school, one wonders what the necessity was for locking them up for detention purposes.

Those decisions are not always made on the most objective or limited criteria. Very often they are matters of convenience. So I would say that one outstanding alternative is not to lock someone up in the first place. Then, beyond that, there are some children that may not be able to stay at home, perhaps while they are awaiting trial, because there may be something going on in the home that makes that difficult to do. Well then, if a child needs a place to sleep that does not necessarily mean that a child needs to be jailed. In the area of our correctional facilities, it's quite possible to have smaller facilities scattered around the State rather than, as in most States, a couple of very large ones in usually more rural areas to which we send children.

I have grave doubts as to how much personal attention a child or any individual gets in a large institution. I have grave doubts when the fact that it's large means that you're mixing different kinds of problems and in an institution your rules tend to be set for your most difficult cases, therefore, your security rates in and all of your control is based on the small percent of the most difficult cases and everyone else has to go along with that.

Also, these large institutions, because of their placement, tend to isolate the children from their families in the community and their problems are never dealt with in the context of the place to which they will have to return. So I would opt then for smaller facilities, some of which will have to be secure, some of which I don't believe have to be secure, and these are what I see as alternatives, and in addition, to the fact that there are many services some children may need and may not have to leave home and if these services were provided on a day basis, with the child living in his or her own home, with perhaps some kind of support offered to the family in terms of any crisis counseling they require, I think in the long run we would find it more effective, cheaper and more humane.

Ms. **Moulds.** Thank you. Thank you very much Ms. Rothman, we appreciate your testimony and we wish the task force much luck.

Ms. **Rothman.** Thank you, we can use it.

Ms. **Moulds.** I call the next witness for testimony, Dr. Edward Kaufman who is the associate clinical professor of psychiatry at the University of California. He's the editor in chief of the American Journal of Drug and Alcohol Abuse.

TESTIMONY OF DR. EDWARD KAUFMAN, ASSOCIATE CLINICAL PROFESSOR OF PSYCHIATRY AT THE UNIVERSITY OF CALIFORNIA AND EDITOR IN CHIEF OF THE AMERICAN JOURNAL OF DRUG AND ALCOHOL ABUSE

Dr. **Kaufman.** Thank you Robin. In former years I have been directly associated with the kinds of institutions that we are talking about today. I have been the director of psychiatric services at the Lewisberg Federal Penitentiary and I've also been director of psychiatric services for the New York prison system but mainly what I'd like to talk about today is some of the work that I've done over the last 5 years in which I have been an expert witness in what has been called "right to treatment" suits and these are suits that decide if an individual's constitutional rights have been violated by the cruel and inhuman punishment which exists at institutions across our Nation.

So, to this end, I have participated in the evaluation of over 20 institutions in 6 different States. Now, most of these institutions are prisons or correctional institutions and State hospitals.

I have only directly observed one juvenile State school. I've also had a lot of experience in community alternatives in working with adults and juveniles. The one State school is really the only place that

I can state by name and that is Goshin State School in New York State.

All of the other institutions are still involved in litigation and frequently the litigation seems to be endless without any changes actually occurring.

I evaluated Goshin State School in 1974 with a couple of other witnesses and about a year later the suit was essentially settled so I trust and hope that most of the conditions that I found when I visited there have been remedied by now. What I saw when I went there was an institution where every juvenile who entered without any kind of physical or psychiatric examination was given a standing order for Thorazine intramuscularly and the order read, "Thorazine, 25 mg."

Frequently if the nurse decided on her own that 25 milligrams wasn't enough, she might give 50 milligrams. Now 50 milligrams of Thorazine given intramuscularly is a very, very powerful dose. The intramuscular levels reach a peak 10 times higher than the oral level and the individuals that I talked to suffered a lot of effects from the Thorazine.

Thorazine can be a very helpful drug: it can also be a very damaging drug, particularly if it is not given with the proper precautions, and it wasn't given with even the slightest precaution at this school. What the individual suffered was not just side effects, they suffered the direct effects of the drug. They became confused, disoriented, they felt unreal, they felt sluggish, lethargic, depressed and suicidal. Fortunately none of them developed some of the more serious effects of Thorazine, like a rapid dropping of blood pressure.

In some cases, in the literature we have seen Thorazine in doses like this cause sudden death particularly in individuals who haven't been evaluated properly.

Now, along with the Thorazine or the abuse of Thorazine at this institution was the abuse of solitary confinement. The two are very frequently combined. An individual might get in an argument with a correctional officer about whether he washed his hands or not and in one particular case this actually happened, the student, as they were called, said that he had washed his hands an hour before and the correctional officer said, "No, you haven't washed your hands." And they got in an argument about it until the argument got into physical violence and six guards dragged the student off to solitary and after a few hours in solitary he began to bang on the door because he wanted to get out and they dealt with his banging on the door with an injection of Thorazine.

While I was there I talked with three individuals who had been in solitary and one of them described that he thought that he was going to go crazy and he thought of killing himself and another heard voices that weren't there and had a lot of violent thoughts particularly to his own father and a third felt that he wanted to go crazy and he wanted to kill himself.

The effects of solitary in general are probably by now things that you've heard. More often than not solitary has the opposite effect than the institution wants it to have. Individuals come out of solitary a lot more angry than they were when they got in. If it works the way that it's supposed to work, instead of an angry individual, what you have is an apathetic listless individual who has had his spirit broken in the service of obedience and is certainly no more prepared to deal with society than when he went into seclusion.

Solitary confinement is also a state of relative sensory deprivation. It's interesting to me how, as much as institutions try to make solitary into a state of sensory deprivation, the people who are in solitary manage to fight it somehow or other. So, there are ways of talking to your cell partner that get developed. Sometimes you can talk to him through a heating vent and one individual told me that he had a way of flushing the water out of his toilet so that he could talk to his partner through his toilet. So, somehow or other they fight that total loss of contact with other human beings and they manage to get through. In some institutions even this is stopped.

There are relative states of lack of light and what I've seen recently is there is a bar door in front of the solitary room and then in front of the bar door there is a solid door and when that solid door is closed, absolutely no light gets in and absolutely no sound gets in. Things like toothbrushes, toilet paper, pajamas, mattresses are frequently denied in solitary. In some cases full meals are denied and in almost every solitary that I've ever visited, there is no reading matter allowed except the Bible. Generally, there is no exercise permitted while people are in solitary.

As conditions worsen, the closer and closer that you get to a state of sensory deprivation and in absolute sensory deprivation you can get things like paranoia and severe emotional difficulties within 8 hours. After 3 days almost everyone who is within sensory deprivation experiences hallucinations and brain wave changes. In other institutions that I visited which were not specifically for youth, I've seen other things go on in seclusion. I believe that these things go on in juvenile institutions as well so I would like to mention them. In one institution that I visited recently, individuals who were considered suicidal risks were handcuffed to the bars by their hands and feet to protect themselves. Frequently they were permitted to stay in their own excrement which certainly doesn't help a suicidal individual.

In another institution which I visited several years ago, where I have been told the conditions have been corrected, individuals had what was called five point restraints. That means that their wrists and ankles and waists are strapped onto a bed and in this institution this was routine in one particular ward and people stayed this way sometimes for months and they were permitted to work their way out. They were told that if they did the right thing they'd get out the first day for a half hour and then progressively longer periods of time would be spent outside of the seclusion cell and outside of being locked up. Some of these people actually became addicted to restraints so that when they got out of the solitary cell they still had wrist cuffs on because they hadn't built in any inner controls to control their violence.

Now there are also a lot of abuses of medication in all of these institutions. Intramuscular Thorazine is used almost everywhere I go in very high doses and without proper precautions.

There are institutions that depend on medication as a major modality of treatment yet the individual's dose is set on the first day and in

60 percent of the cases it isn't changed thereafter. Something called polypharmacy which is giving people lots of different drugs with lots of different effects, was present in 65 percent of the individuals in this one phychiatric hospital.

In one psychiatric unit of a prison a psychiatrist prescribed a stun gun which shoots a large somewhat harmless pellet which is propelled with enough force to knock you down, to an inmate who refused medication. In general sedatives, minor tranquilizers and stimulants are overprescribed in these institutions. They are frequently dispensed by inmates and they are saved, hoarded for overdoses or traded for cigarettes.

Now, in closing, I wanted to echo some of the comments of the previous speaker. That is that it is very difficult to just deal with one isolated phenomena in these institutions. What you must deal with, generally, is the whole system. These systems require solitary and in some cases require medication as the ultimate punishment in order to control behavior, provide structure, and prevent chaos and to remove solitary without changing the system is like asking parents to set limits for children but depriving them of any tools with which to do so. Removing solitary in the absence of sweeping institutional changes can result in even harsher punishment like physical abuse or prolonged incarceration and if these avenues are closed then total chaos in which the student or inmate suffers may result unless there is also a gross restructuring of the institution along therapeutic lines.

On the other hand, if you make compromises, like you say, "OK, you can only have seclusion for 2 hours or 7 days," what you find is that these institutions have ways of getting around legislative compromises like this. Many of the places that I visited where say there's a 7-day or a 15-day limit on seclusion, what they do is for 1 day they give the person full meals and they'll open that front solid door and then for 15 more days, they'll stick him back in the cell under the same status that he or she was in before. I've seen places where they just repeat this cycle for months. Legislative compromises, therefore don't work. There certainly is a dilemma.

I to fall back on community alternatives and I fall back on the therapeutic community model places like Phoenix House in New York City or Pride House in Los Angeles. The idea of using seclusion or intermuscular drugs is unheard of in this kind of therapeutic community setting. What you use here is the power of the individuals themselves, the power of the students or the residents to help each other and pull each other up. Thank you.

Ms. MOULDS. OK. I'd like to open questioning with a comment I believe you stated that solitary confinement is necessary in institutions. Is that correct?

Dr. KAUFMAN. My statement is that the institutions construe it as necessary and the institutions fear great chaos if it's taken away from them and in some cases where it is taken away, there is greater chaos. I personally don't think that it's necessary but I prefer to see the entire institution restructured to the point where it is not necessary. As these institutions are presently constituted, the institutions themselves think that they are necessary. I think that you have to give some consideration to their feelings and to their fear of potential chaos.

Ms. **Moulds.** If you believe that solitary confinement cannot be abolished what suggestions would you make for some form of isolated punishment.

Dr. **Kaufman.** I am never in favor of isolation as a punishment. I feel that individuals can be punished without isolation but it has to be within a more therapeutic framework. You have to create an environment where individuals are desirous of rewards and you deal with them either by giving them rewards or by withdrawing rewards.

Now sometimes when people go out of control they will need some kind of a quiet room but most people don't need more than a few minutes or a half hour in this kind of quiet room. Very frequently what you can do in that setting is that if you have somebody that the individual trusts or can build trust with, you have that person go into the room and talk to them and deal with them and that, to me, is the best way to handle someone who is out of control.

More harm is done to children in institutions by putting them in seclusion or solitary to protect themselves. This is a term that is grossly abused. It's a term that is very confusing to a child because he doesn't need protection and suddenly he finds himself bitterly and severely punished, he finds himself hurt and angry and it's supposed to be good for him. In some institutions individuals are required to talk about how good it's been for them before they get out which is really twisting the kid around because that's not what he has experienced.

Ms. **Moulds.** I see, you mentioned an addiction to restraints that develops after a long period of being restrained. How does this addiction develop?

Dr. **Kaufman.** The point I'm making is that the kind of controls imposed on people by restraints and by seclusions are external controls and they don't teach them internal controls and this particular individual had a lot of difficulty in dealing with his own violence. He found that when he had the restraints on it was a built-in control. Actually he could have hit somebody over the head with the restraints if he wanted to but somehow the restraints became symbolic of external control that prevented him from hurting other people.

Mr. **Kinard.** Before you said that in these institutions they're afraid to take away solitary confinement because they think there will be total chaos. Don't you think this would be true because of the way they treat those kids in those institutions?

Dr. **Kaufman.** Absolutely. I agree with you. You have to change the whole institution, you can't just take solitary away.

Ms. **Moulds.** How do prisoners fight relative sensory deprivation in solitary confinement?

Dr. **Kaufman.** One person said to me a couple of weeks ago, he said, "I can take it here." He'd been in there about 2 months with occasional periods out. He said, "the reason I can take it is that if you're in jail it's so bad that they can't do any worse to you." So here again we talk about the totally beaten man syndrome in which the man has given up and it doesn't matter what you do to him. Some of the other things are things that I mentioned like they manage to communicate to each other somehow or other and interestingly enough they do read the Bible.

There was one institution where solitary was unique in my experience and that is because solitary was a totally separate unit away from the general prison—this was an adult prison. Nobody could hear the individual's cries for help. A few days before I arrived at this place there was an inmate who was acting strangly and they had the psychologist see him and the psychologist has 2,200 inmates and he spent a few minutes with him and said that there was nothing wrong with him so they put him in solitary and he was calling out to the other inmates in solitary and they told me about his calls for help.

This individual hung himself and was dead about a week before I arrived. I think this was substantially because of the overworked load for the personnel in that institution but also because solitary is pushed away in a corner where individuals do not have a regular correctional officer assigned but have people coming there occasionally to check.

Ms. Moulds. How does apathy prevail in solitary confinement?

Dr. Kaufman. I think that the apathy is partly a result of the sensory deprivation and it's also a defense against it. I think it works in both ways but the apathy is totally against any concept of rehabilitation. It just beats the guy down so he doesn't cause any trouble. When he gets out of the institution though what you have is a beaten man.

Ms. Moulds. What—when a child or an adult leaves the institution, what is the effect that sensory deprivation has on him for continuing his life?

Dr. Kaufman. I have seen some individuals who—I saw one in particular who came to the clinic that I was the medical director of after spending 5 years in solitary and this individual was one of the sickest, chronic psychotic persons I ever met. Now I don't know which came first, the psychosis or solitary. But not only was he sick, he had a kind of psychosis which we call a burnt out psychosis. In other words, all of the really bizarre symptoms are gone and what you have is an individual who can't think, can't feel, and can't act. That to me is the extreme of the sensory deprivation effects of solitary. Some of the brain changes that occur from prolonged sensory deprivation are rather long lasting. I am amazed that more people that I talk to in solitary are not psychotic and don't kill themselves and I think that the apathy and denial is a defense that they manage to use at some success but at the cost of being a live human being.

Ms. Moulds. Since you do have expertise on drug abuse in institutions, what are the immediate effects of intermuscular thorazine?

Dr. Kaufman. What these individuals felt was a lot of confusion and a lot of feeling of unreality and some depression and an increase in suicidal thoughts but those weren't really side effects, those were direct effects but the side effects are things that worry me even more than these direct effects.

One of the side effects is a rapid dropping of blood pressure and I've seen an individual's heart stop beating from a single dose of thorazine. In fact one of the students at Goshin had had a rapid drop in blood pressure at another institution before he arrived at Goshin and when the nurse called the doctor all the doctor said was not to give him any intermuscular thorazine that day but he could have the standing order the next day. So the rapid blood pressure with the heart stoppage was the thing I feared the most.

You also get what are called extraperaminal effects which are like Parkinson's disease, it's a drug induced Parkinson's disease. Individuals walk in a spastic way, their faces frozen so that it appears as though they have no emotionality. Sometimes from a single dose of the drug you can get something called ocular gyrate crisis in which the eyes roll up in one side of the head and the neck twists to the other side of the head. There are a lot of very bizarre side effects that can occur from use of the drug particularly if you don't take precautions like a previous psychiatric history, previous reaction to drugs, previous allergies.

The psychiatric history to see what kind of people you are dealing with. You can make people more suicidal by doing this. In fact, when somebody is suicidal in these institutions intermuscular theorazine is the drug most frequently given to them which may make them too tired to kill themselves but it makes them so depressed that when they get the energy, they are very likely to do it.

Mr. CLAY. Aren't there certain laws against the indiscriminative use of drugs, I mean Doctors can be sued for malpractice and all but aren't there any laws against that?

Dr. KAUFMAN. There really isn't a law against the doctor giving thorazine if he or she thinks that that drug is indicated. There certainly should be a law against a doctor who prescribes thorazine for a whole institution full of people without evaluating any of them. Since there isn't a law that's why class action kind of legal suit was taken against the institution to change that policy and it was changed but it might be going on in 100 adult institutions and child institutions all over this country today. There really aren't laws to prohibit this although doctors might be sued for malpractice for going along with it.

Ms. MOULDS. What precautions in institutions did authorities neglect to take on the patients?

Dr. KAUFMAN. They almost never take precautions. Almost every place I go in they never take the blood pressure before they administer the thorazine and at regular intervals afterwards. It's a very simple precaution; it just takes a few minutes and I've almost never seen it done.

Ms. MOULDS. You often said that they use overdoses on patients. Is this caused by ignorance on their part or is it purposely done?

Dr. KAUFMAN. I think that there's been an increased awareness on the part of physicians who work in institutions to not over-prescribe sedative medication so that I think that that problem has gotten somewhat less so that in most of the places where I've gone drugs like valium or librium or thorax or even quailude are not prescribed in excessively high doses to a given individual. What happens is that there are not proper precautions taken for people to be prevented from hoarding these drugs or saving them and I pointed this out to a prison official where inmates were passing out drugs, nobody was really checking to see whether people were taking them or not.

His answer was well, if people want to hide pills, they'll hide them and there's nothing we can do about it. I did see individuals in that institution who had saved drugs and who had overdosed.

Ms. Moulds. Thank you very, very much Mr. Kaufman and I appreciate your energies and that you came a long way to get here and thank you very much for sharing your expertise. I now call a 5-minute recess and we will return with Frank and Jeff, two children who were incarcerated for a long time.

TESTIMONY OF FRANK AND JEFF, FORMERLY INCARCERATED CHILDREN

Frank. My name is Frank and I was incarcerated at a place called [unintelligible]. It was supposed to be me and my brother were there, it was supposed to be for both of us together. For me it was a really bad experience 'cause drugs and time out rooms and stuff. It was just really bad. Do you have some questions?

Ms. Moulds. Jeff?

Jeff. I was put in there before he was, I was put in there 10 days before he was and the reason I was put in there was because they kind of wanted to put both of us in there for—they wanted to put me in there with my brother just so to see how we would act together in the same place. I wasn't really supposed to be in there for the crime I did, you know. It wasn't that serious of a crime. I didn't have that big of a record.

Ms. Blinkoff. Why were you put into an institution in the first place?

Jeff. In the center?

Ms. Blinkoff. Yeah.

Jeff. I was on the run from Totem Town and he was on the run from Red Wing and we stole a car and we got caught and they opened up this new center and it was the only place they could think of to put us in.

Ms. Blinkoff. So you were incarcerated for trying to escape?

Jeff. No, for runnin' away. We were on the run and they caught us with the stolen car.

Ms. Blinkoff. How long did you spend in institutions in total?

Jeff. Two years—two years in all the places I've been in.

Frank. I spent about—I'd say 4½ years. Mainly the problem was running away—I didn't want to stay at a place because I didn't like it and I'd run away because I didn't like the place and they'd stick me in a worse place and it kept gettin' worse and worse.

Ms. Moulds. Were either of you at all incarcerated in solitary confinement?

Frank. Yes. At the center where we were both at together it was solitary confinement. They had TO rooms which are small rooms. I've got pictures.

Ms. Moulds. These are photographs of the time-out rooms. Frank and Jeff were both in these.

Frank. They're pictures of the whole place mainly but they got pictures of the time-out rooms. That's the big problem there—time out and drugs. My first experience with drugs was I escaped because I couldn't handle being locked up and seeing what it was doing to all the other kids, their personalities, the way they changed when they were on the drugs so I escaped and when I went back, they put me on a drug called thorazine and as soon as I was on that, I was like a walking zombie. I didn't have any coordination with my hands. I couldn't see right. I couldn't control my saliva. I couldn't talk right, and I couldn't do anything right. I couldn't even walk. I was just a zombie, a walking robot, just really bad.

Ms. **Moulds.** Could you please describe the room since we can't all see the pictures.

Frank. It's about 5 feet by 4½ feet. Just one little teeny—like a box—the walls are carpeted and the floor and the ceiling. When you're in there you just—you don't do anything. They just lock you in there, and they don't tell you when you're going to get out or anything. They just throw you in there and you have to curl up in a ball if you want to sleep on the floor and sometimes they strip you of your clothes and throw you in there. You're cold and you haven't got a blanket. It's really horrible.

Sometimes even—they have fans and lights in there that they're supposed to use but they don't sometimes because they forget, you know, they don't care where the kid's at. It's frightening, you know, because when you're in there you think you're gonna lose control, your sanity, because you don't know what you're doing. After you've been in there a few times, all you do is black. You think to yourself, "What am I doin' here?" "Why am I in here?" "What are they trying to do to me?" The things you come up with in that situation are pretty bad. It tears your mind apart thinking about it.

Ms. **Oestreicher.** Who decides when you go in and how long you stay in? Who's usually the person who says, "OK, you go to solitary for that." And for usually what reason?

Frank. It's the staff. The solitary or TO rooms—time out—are made for when you're out of control. That's what they call it when you aren't going along with the program and when you're fighting stuff. That's out of control. They put you in there for not agreeing with the staff, smarting off, sassing off to the staff, little things—if you didn't do your schoolwork you wouldn't get food, they would stick it in the refrigerator and you wouldn't get it until you were done, so you get cold food and if you didn't want that and you argue about it, they throw you in the time-out room. They wouldn't let you know. Anybody who worked there, it's up to them if they want to throw you in there or not. Mainly, a lot of people didn't care if you were in there or not because you were out of the way and they wouldn't have to watch you. It's no problem for them.

Mr. **Bakaty.** You said before that you were on Thorazine, who administered the drug to you?

Frank. All the staff there administered it. I was given it orally I just drank it. They'd go to the locked room, they'd get the drugs and four times a day they'd give me 200 mg of Thorazine and if you didn't take it, then they'd shoot you with it. It was prescribed by a doctor, but the doctor didn't see me at first. When I got it in the time-out room, that's when I was on it for about two months. After that I was just out of it. I didn't have—when you're incarcerated, you lose your rights, you have no faith of what should happen to you. They should be the ones who know because they're the psychiatrists, you know they're the ones who are supposed to be smart working with children because they have problems. We're the ones who have problems and we have no say of what's happening to us.

Ms. Moulds. Did you feel that this was an invasion of your rights and that you felt that you were losing your individuality?

Frank. Yeah; I was completely inhuman, you know. It's what I see in the movies—what happened to wild animals, you know. Human beings, they have feelings about what happens to them; animals are different. We're not animals—we deserve to live normally, not like zombies.

Ms. Moulds. Jeff, did you have any experiences with thorazine?

Jeff. No; I didn't have any experiences with thorazine at all.

Ms. Moulds. Did you feel the same way; was the institution breaking your spirit?

Jeff. Yeah. When I was in there, I just—I was good. I was trying to work my way out but I'd be good for 2 weeks and they'd say I was doing really well, but I'd ask them when I can get out and they'd say no and that's the worst thing that can happen to someone, being in a locked-up situation and not knowing when you can get out.

Mr. Hollings. What type of meals were you served in solitary confinement?

Frank. Most the time you didn't get any meals while you were in there. They'd save them until you were out and when you were out—like if you got in at 10 minutes to 12 and you ate at 12 and you got out at 1 o'clock, they'd have the same meal for you. They'd just fix up the potatoes and stuff and you'd have to eat them cold or else not eat them at all. They never fed you when you were inside there.

Ms. Blinkoff. This is a question for Frank because you had thorazine, you said the staff administered the drugs. Did that include the guards?

Frank. Does that include what?

Ms. Blinkoff. The guards. Did they give you the drugs too?

Frank. Yeah. They just—all they had was thorazine. They just mixed it with orange juice and sometimes they didn't mix it at all. It tasted horrible and you drank it or if you didn't, you got shot up. Just any staff would give it to you. But it had to be the doctor if your dosage was raised. It was special staff that could raise it and they would do it.

Ms. Blinkoff. What did you feel were the immediate effects of thorazine? How did you feel right afterward?

Frank. It's a scary thing. You think you're losing everything because you have no control of yourself. You're too lazy to talk. You can't open your mouth. If you do, it's hard for people to understand you. You can't express yourself to people. You see other people doing their own thing, who aren't on drugs and you feel like a loner, you know. You're over there in the corner and you can't even lift your finger you're so tired.

Me, I was on a shadowing program and I was just zonked out. Sometimes they'd say, you know, on files, Frank ain't lookin' too good today, he's too perky or somethin'. He ain't zonked out enough. That's what they think a person should be to help him, zonked out. You can't help somebody when they're zonked because you ain't dealin' with the real person. When I was on it I would be real frustrated which would get me in trouble because I couldn't handle being a loner and not bein' able to express myself like I thought I was goin' crazy on drugs. I was really scared.

Ms. Oestreicher. A while back you were saying something about if you didn't do your schoolwork you would get put in solitary if you didn't want to do it or something. How was school there? Were the teachers understanding? How were the teachers?

Frank. When I was there there was only one teacher. In school they'd give you electricity or somethin' and you hook up a few wires and make a bell ring. Some people could do schoolwork but it was hard because it was downstairs and it was really cold and all and it didn't have no heat or nothin' because they had the air-conditioning on and it was cold and I didn't have coordinations in my hands and I couldn't write and I don't know how it is for people not on drugs. I'd say I wish I was in their place but it won't do no good.

Ms. Moulds. After you did leave your incarceration did you both feel or did you not feel that you were lacking in education? When you got out of the institution did you feel prepared for the world again?

Frank. When you get out it's just mostly the same thing except for you wonder what people are going to think about you. Like do people think you're a big criminal and stuff, that's what I was worried about. It's a little harder when you get out to be good when you get out of places like that.

Ms. Moulds. Was your only offense during incarceration that you used a car and stole a car?

Frank. No that was just the center, to get put in the center. I ran away from Totem Town and we stole a car to get put in the center but before I was at Totem Town, I was at Boy's Ranch and I ran away from the Boy's Ranch and I stole a car to get put in Totem Town.

Mr. Bakaty. What was the longest period of time you spent in the time out room?

Frank. The longest I was in there was for 12 hours. That was the longest I was ever in there at one time. I was in there for 3 or 4 hours at a time, sometimes 6. There's one kid in there, Jim Severson, he was in there for 34 or 32 hours.

Ms. Moulds. You mentioned before, both of you that it was an invasion of your rights and if it is an invasion of your direct rights in the constitution how did your personality change if it did at all and what did your ideas toward society change?

Jeff. When I left there, it wasn't because I was released, I escaped. My attitude was still good toward society, people who didn't do nothin' to me. When I left I went right, called my ma and I went home and I went right to the detention center. The reason I left was to get away from the place. I was hopin' there was still people that could get me out of the place that could realize it and there was. So my attitude toward society is—the cops I know they're doin' their jobs. A lot of things they're doin' ain't right so I have that attitude toward them. The people that don't bother me, like they say the community like we got to protect the community. It don't bother me because they ain't never done nothin' to me 'cause they don't know what's goin' on in these places.

Mr. Hollings. Were you ever beaten by any of the staff members?

Frank. Not so much beaten because I wasn't much to beat when I was zonked. I was out of it and if they hit me I would probably fall asleep. [He laughs, general laughter.]

Ms. **Moulds.** Did you ever suffer any physical or sexual abuse?

Frank. Physically, yeah. I was—they'd choke you or hit you. If you weren't agree with them they'd practically break your arm to get you into the TO room. That's their way of gettin' you down there. Right out of the clear blue sky they'll grab you and start walkin' you down there.

Ms. **Blinkoff.** At any of the institutions where you were incarcerated, did you ever see a psychiatrist?

Frank. I seen quite a few psychiatrists.

Ms. **Blinkoff.** What did they have to say?

Frank. At the trainin' school, they didn't say too much, they didn't say I was crazy or nothin'. They said they thought I had problems. Some wanted to give me drugs but the trainin' school wouldn't let them. At the center it was different, way completely different. These characters they'd give you what they want and do what they want.

Ms. **Moulds.** Jeff?

Jeff. Almost everywhere I go I would talk to psychiatrists and they'd just ask you questions like, "Where have you been?" and "Why did you get put in here?" and "How do you feel about this place?" and stuff and I'd just talk to them and they would write down somethin' and that would be it.

Ms. **Moulds.** Did you feel intimidated or did you reveal your true feelings?

Jeff. I just told them—yeah, yeah I did.

Ms. **Moulds.** Did you ever feel that if you really said how you felt about the institutions that maybe you would suffer for it?

Jeff. No, the institutions and the psychiatrist are two different things. The institutions, they have them come in and the psychiatrists don't tell the institutions what to do if we say somethin' wrong, you can't really say anything wrong talkin' to psychiatrists.

Ms. **Oestreicher.** A little while back you said something about you were worried about being accepted in the outside world, how were you accepted when you got out?

Jeff. All your friends accept you and all because you knew them before but it's always like you go to school and the teachers they know where you've been and stuff and they kinda, like you're gonna get kicked out of the class before any other kid even if you didn't do as much stuff. That's what happened to me, I got kicked out of school and I know lots of other kids who did just as much stuff as I did like smokin' in school and stuff but I got kicked out quicker because they knew where I'd been and they didn't want to give me another chance.

Ms. **Moulds.** Charles?

Mr. **Hollings.** You said that you were beaten by guards, were you ever either one of you beaten so severely that you had to go to the hospital?

Frank. You weren't beaten by guards; you'd get in a hassel with them and they'd say, "You're goin' to the time out room." And I'd say, "No way, I'm not going to the time out room." Then they'd grab and push you and you'd push back and pretty soon they're just fightin' with you. They didn't really beat you, you fight with them and there's three of them and one of you so it'd be unfair all the way and they'd just beat ya all the way down to time out and just beat you for nothin'.

Ms. Moulds. Did your opinion of yourself suffer? Did you feel that maybe because authorities thought you were lower that you felt you were lower also?

Frank. No, I don't even think about that; I just do what I want to do.

Jeff. When I was going in and out of places I feel that when I'm around my friends, my friends are all right to me but when there's people I don't know but they know me, what do they know me as, a low down crook, you know, when that ain't really my problem. When they hear you've been sent somewhere it's usually like what they've seen on TV and so on. Doin' a crime or somethin', that's what they think. I sorta feel conscious of bein' around people that don't know me personally just by what they hear.

Ms. Blinkoff. When you stayed in solitary confinement, how did you spend your time?

Jeff. Sleepin'.

Ms. Blinkoff. That's all you did?

Jeff. If I could. There ain't nothin' to do. It's just a box. It's really small and you sit in there, a lot of people they'd try escaping, they'd try rippin' the carpeting off the wall but you couldn't do nothin' while you was in there. It was just black, in fact the place itself, I'd spend my time just bummin' around hangin' my head because I had to stay in arm's reach of the staff. There wasn't much to do. Follow staff around and sleep whenever I could get the chance.

Ms. Moulds. Thank you very much for sharing your personal experiences. You've been real helpful to us. I'd like to call our next witnesses which are a panel. The first is Nester Baca, the planning manager for Hogares Inc., a residential care program for adolescents in Albuquerque, N. Mex., the second is Thomas O'Connor who is the executive director of the prison reform taskforce of New York City.

TESTIMONY OF NESTER BACA, PLANNING MANAGER FOR HOGARES INC., A RESIDENTIAL CARE PROGRAM FOR ADOLESCENCE IN ALBUQUERQUE, N. MEX.

Mr. Baca. Hi. I'm glad to be here and I guess part of the reason that I'm here is—you did well with the Spanish word "Hogares" by the way, hogares means homes and the program of Hogares is an alternative to institutions.

Hogares is an effort that began as a result I think of my personal experience at the institutions. I worked at an institution for a number of years. I was in charge of a juvenile detention home in the largest city in New Mexico and I saw kids being placed in institutions that didn't belong in institutions. I saw some of the things that institutions do to kids that I really felt that we needed to provide something different. They didn't need to be there.

As a for instance, I think one of the reasons people are placed in institutions is because they really made a bad decision out there in the streets, in the community, wherever they were. They may have decided to break into a house, steal a car, run away from home—whatever they decided to do it was not a very good decision that they made and they get placed in an institution and when they come out of that institution they are supposed to be able to make better decisions and not do those things again. Well really what happens in an institution is the minute that they go into that institution the structure of that institution comes down around them and by that I mean generally the institutions have uniforms, haircuts and everybody looks the same.

All the rules of the institutions, everybody's told when to get up, when to go to bed, when to play, when to work, the whole day is mapped out for the inmates in an institution. Very little chance, very little opportunity to make decisions and yet we're saying, "we want you to go in there and come out of there better able to make decisions." How can they in the situation that just doesn't lend itself to making any type of decision? So that very obviously does happen in an institution.

The longer a person remains in an institution the more likely that when they leave that institution they're gonna come out of there unable to really take care of themselves in the streets and in the community. So that was very obvious.

The other thing that is occurring and, even though there has been some changes in the last couple of years, we still have a situation where probably 35 percent of the teenagers that are going to our jails and I mean jails. In New Mexico we have three juvenile detention homes for three counties. There are 32 counties in the State but 29 do not have the facilities to separate juveniles from adults even by sight and sound. Sometimes they're sharing the same cells and the same jails.

Many young people in jail their crime has been that they may have run away from a home that was just an intolerable situation. I've seen situations where young girls have run away from home because they were being sexually molested by their fathers. They turn to the State for help and the help they receive is that they get locked up in an institution and generally the kids that have not committed a crime are the ones that end up spending a longer period of time in our detention homes and in our jails.

What happens then when they walk into an institution, these kids are usually the more naive kids, the ones that are not into the delinquent kinds of behavior patterns. They come into an institution and in an institution the people that you see as the leaders, the kids that you kind of emulate, that you see as the leader are the kids that have committed the most serious offenses, who have been in the institution the longest. They are the ones that everybody looks up to. They know their way around the institution. They know what to do to get what they want within the institution. These other kids that come in that are not into that hard-core delinquent thing pretty soon start emulating, imitating, and picking up the same habits and after a while you don't see much difference between that kid who really was somewhat naive and was not delinquent. There's not much difference between him or her and those kids that are in the institution that are hard-core delinquents. I think I'll stop there.

TESTIMONY OF THOMAS O'CONNER, EXECUTIVE DIRECTOR OF THE PRISON REFORM TASK FORCE OF NEW YORK CITY

Mr. O'CONNER. Thank you. I have accepted your invitation to testify concerning the use of solitary confinement concerning juvenile offenders because it is my belief that practices of solitary confinement either for juveniles or adults is not only inhumane but in most instances psychologically damaging to the recipient.

I consider myself fortunate that I was not placed in solitary confinement until I was 18 years of age with a fully developed personality. I experienced solitary confinement for periods ranging from 14 to 28 days while at the U.S. disciplinary barracks at Fort Leavenworth, Kans., while I was serving 1 year for desertion from the U.S. Army. During that term I was placed several times in solitary by people who were convinced that this treatment would break my spirit.

A description of solitary confinement as I experienced it is as follows: I would be placed in a single cell stripped of its furniture, never exceeding the cell size of 8 by 6 feet. I would be stripped of my clothing except for a pair of socks and underwear, I would be given two blankets at 10 p.m. in the evening and they would be promptly removed at 5 a.m. the following morning. Breakfast would consist usually of four slices of bread and a small box of dry cereal and water, lunch was one steamed potato, a piece of celery or carrot, two ounces of vegetable juice similar to V8, four slices of bread and water, supper would be the same.

It is my understanding that most American State and Federal reformatories require that this diet never be carried out in excess of 14 days by law, however I did experience on one occasion this kind of confinement and this minimal diet for a period of 28 days because a prison administrator knew he could do it without interference. The only time I was released from the cell was once a week for showering.

During one of my stays in solitary a man was placed about two cells away from me. I knew him by sight from the general population because he had a seemingly aggressive personality and had been in a couple of fist fights. About 5 days after he arrived in solitary I was awakened one morning about 3 a.m. by an incredible scream. I quickly realized it was the new man and he was screaming for his mother and banging on the walls of the cell. I watched six guards take him from the cell and wrestle him to the floor, after a fierce struggle they put a straitjacket on him. When they took him off the floor, he was bleeding heavily from the forehead as a result of banging his head repeatedly on the bars of his cell. It was at this point that I began to wonder about my own sanity, would I also break down? I kept repeating to myself over and over again that I would not give in.

It is my sincere belief that this treatment only succeeded in making me angry, more aggressive, violent, manipulative, and less prone to accept discipline of any kind. I might add that I was arrested 15 months after my release and sentenced to 7 to 11 years in State prisons for armed robbery. So much for their discipline.

Growing up from the ages of 12 to 18, I heard numerous friends who had been placed in juvenile centers for varying reasons that they had experienced similar disciplinary actions for infractions against institutional rules and regulations. In each case they seemed tougher and more prone to violence coming out of the institution than I knew them going into the institution.

When considering that a juvenile delinquent is more prone to violence coming out of the institution than I knew then going into the institution. When considering that a juvenile delinquent is in his or her formative years while going through juvenile institutions it is illogical for me to conceive how the use of disciplinary segregation or solitary confinement can help make for a better thinking adult when they are already damaged either emotionally, psychologically, or socially. I do not base the statements strictly on my own experiences but rather in conjunction with the experiences of my childhood friends and the many damaged personalities as a result of such practices that have walked through the doors of the prison reform task force of which I am the director, in the past 6 years.

One of those people was a 15-year-old female who had been sexually abused by other inmates and punished for aggressive behavior at Spofford Juvenile Center in New York City. She was so psychologically withdrawn from her experiences in the juvenile center that she would not even join in normal conversation. In most instances she would not even respond to questions regarding her background, how she felt or for that matter what to order for lunch.

It took nearly 2 months of intensive one to one counseling just to get her to the point where she began to express herself. She is now 19 years old, an unwed mother and in spite of social and supportive services we were able to render, she is still not in my opinion a totally stable person. It is my considered opinion that the discipline that she underwent in juvenile centers and in the atmosphere delinquent children are oftentimes forced to live in during the institutional care severely compounded the problems that had already developed in her broken home.

Before concluding I would like to share one of my childhood experiences with you about my friend Billy. Billy and I used to play hooky from school together and for the most part were inseparable in or out of school. One day we saw a restaurant in our neighborhood that had burned down the previous day. Billy's brother was with us and while looking into the burned out shell, he spotted a cigarette machine that appeared not to have been overly damaged despite the fire. We decided to see if any of the cigarettes survived and whether or not it contained any money. During our attempt to open the machine the police came and we all ran. Billy was caught and his brother and I got away. Billy would not tell anyone who he was with and his brother and I were never bothered about our misdeeds but I did not see Billy again for 18 months.

I remember a couple of times in the summer after he came home when we used to sit up on the roof talking about our dreams and aspirations which incidently, as I look back, were not any different from any other normal kid. he told me about the box and the beatings. Speaking of the box, another name for solitary confinement, I remember him saying to me once, "It made me so mad man I wanted to punch walls!" Our friendship, unfortunately was soon again interrupted when he was rearrested and put away.

Altogether Billy went in and out of institutions 10 times or more and never had any of those dreams we used to speak about come true. He was shot to death in a stickup 4½ years ago. We, as a society, must recognize that placing anyone in the solitary punishment cell does more harm than good whether the individual is psychologically stable or not.

I sincerely hope that this panel will recommend as strongly as possible, a nationwide moratorium on the use of solitary confinement for juvenile offenders.

Ms. **Moulds**. Thank you. To open questioning, I would like to start with Mr. Baca. I want to know if uniformity in the institutions which you mentioned in all aspects increases emotional disturbance in the inmates?

Mr. **Baca**. My opinion is that it increases institutionalizing of the inmates which renders the inmates or the person less able to function in normal society. I think one of the things that institutions do and one of the things that institutions reward for is for behavior that is easier to control within the institutions. Obviously to me somebody that refuses to adjust to an institution, perhaps that person will be better able to adjust in the community. Just because he or she cannot adjust in an institution. Once they adjust in an institution, often it's very difficult to make that transition back to the community. I think that those things do help to institutionalize a person.

Mr. **Hollings**. When and why did you start your studies?

Mr. **Baca**. I began working at the juvenile detention home when I was going through college. I really liked working with kids and so I stayed with it and I worked at the juvenile detention home for about 14 years thinking that perhaps being on the inside of a situation like that a lot could be done. I really feel a dedication to working with kids and working with troubled families. I think that to me that's the whole answer. You have to reinvest in the family. Before it's too late you have to start dealing with the problems of that family and that's what our agency does now. We work very heavily with families and we have homes for kids that can't live in their own homes.

Mr. **Bakaty**. Mr. Baca, in your opening statement you mentioned that children that have no crimes or very small crimes get longer time in an institution than a person who's committed a serious crime. Why is that?

Mr. **Baca**. Part of the reason I think is that the juvenile justice system is geared up to deal more with delinquent offenders than with status offenders. There's a lot of belief that status offenders don't belong in the juvenile justice system yet there are very few programs that are set up to deal with status offenders. Often status offenders come from families that are very disturbed families falling apart and the young person can't return back home. Yet there's no where for that person to go but an institution and I've seen them go in at 9 years old and sometimes come out at 14 or 15 years old. They spend several years in institutions when they've committed no crime.

Mr. **Bakaty**. You didn't exactly answer my question. Exactly why do the status offenders stay in longer than somebody who's committed a serious crime when they've committed no crime?

Mr. **Baca**. Because there are no programs to deal with them, there are very limited programs to deal with status offenders. Status offenders in our State and I think across the country used to be dealt with as delinquent offenders until just—oh, probably the last 8 or 10 years.

In New Mexico we didn't have a category for status offenders until 1972. Before 1972 it was kind of an accident whether a status offender landed in the juvenile justice system or in the social services system, therefore the programs that were created were really created for the delinquent child and for the person who was being abused at home from the social services area and there was not the kinds of services that needed to be provided for status offenders. Did that answer your question?

Mr. **Bakaty.** Yes.

Ms. **Moulds.** I would like to know, how did the harsh treatment which children endure in the institutions effect the amounts of stability they have when they leave the institution and prepare to resume their lifestyle in the outside world?

Mr. **Baca.** I think often they leave the institution much angrier than they were when they came into the institution. Again, I think one needs to look at who is really the person that may be treated harshly in an institution. I think often you have to look at the status offender because I think the status offender is the person that turns to the State for help and the State's response is sending him to an institution. I think that that really builds up the anger when here I am wanting help and look what you do to me.

So the response is one of anger and therefore that person within the institution is difficult to control which leads to some of the harsh treatment that goes on in the institution. When that person leaves the institution then I think he leaves probably in a worse condition than I think they came into the institution.

Ms. **Oestreicher.** Do you feel that because individuality is withered away while you're in an institution that your total or partial loss of individuality is a factor in making it more difficult to cope when you get out?

Mr. **Baca.** I think it's a factor. I think the main factor is just that inability—it can become a very comfortable situation if you think about for instance, you're making decisions, I mean you make decisions daily. You decide to be on this panel, you decide to do whatever. Every day you decide to get up, you decide to go to school, you decide to go to work, you make decisions. Some decisions that you make are very difficult decisions. You really don't want to get up, you really don't want to do this, you'd rather not have to deal with some of the heavy decisions that you have to make.

In an institution if all that is taken care of it can become a very comforting situation, a very comfortable situation. I think that's the main thing that causes the individual to be less prepared to function in the community is that they become dependent on the institution or on somebody else to control their lives for them.

Ms. **Moulds.** One of the things that you mentioned was the role of the naive child in an institution, how does the personality of the naive child change in an institution, and how do they learn to survive?

Mr. **Baca.** I think they learn to survive. First they become tougher and they learn how to manipulate within the institution. They start picking up the same language, the same words, the same mannerisms as those people who are seen as the leaders in the institutions. I think most of us respond to role models and especially in the formative years. I think the role models in the institutions are those people that are the most hard core within the institution, so that's how they change is they start emulating and behaving much like the leaders within the peer group in the institution.

Ms. **Blinkoff**. You said before that when children go into institutions that usually they come out on a worse state than when they went in, so I would like to know does the institution really help the child at all?

Mr. **Baca**. Sometimes my feeling is that a child who comes out of the institution better than when he went in is coming out better in spite of the institution, not because of the institution.

Ms. **Blinkoff**. You are really saying that the institution doesn't help the child——

Mr. **Baca**. That's right.

Ms. **Blinkoff**. And that the child is helping himself by staying strong.

Mr. **Baca**. I've talked to many people, administrators, who work in institutions both adult and juvenile and most administrators really feel that a small minority of the inmates within the institution belong there. They feel that often these people could be helped much better in a different situation.

Ms. **Moulds**. Mr. O'Connor, you mentioned that at 18 years of age you already had a developed personality. Now this developed personality, how did it change during your period in the institution? How did you learn to survive with it?

Mr. **O'Conner**. I think that my personality changed along with all of my attitudes about life in general, and I would have to say that I came of my first experience in the institution with the idea that the world was full of people who related to violence and therefore it was OK for me to carry on in a violent fashion. So I promptly went back to the street gangs and wound up as I stated 15 months later being arrested for armed robbery. I think that the institution, just for a 1 year period, and the use of solitary confinement and other means of discipline resulted in a much more damaged personality than the one that first went in.

Ms. **Moulds**. Was your spirit ever broken or was your level of self-esteem ever lowered?

Mr. **O'Conner**. I think so, yes, very definitely. I don't think that you can really experience the prison world and prison life and come out really thinking very much of yourself because at one point or another you're going to realize that you have to go along with the program at least to a degree. You're gonna have to sell out at least to a degree to avoid disciplinary actions just to maintain yourself within the institution. That's one of the reasons I used the word manipulative. Just because a person is going along with a program doesn't necessarily mean that they're becoming a better individual. Very often it means that they have learned to use the system for their own purposes and that's precisely what was happening in my particular case.

Mr. **Hollings**. Mr. O'Conner, does your organization of prison reform task force ever turn anyone down?

Mr. **O'Conner**. Do we ever turn anyone down?

Mr. **Hollings**. Yes.

Mr. **O'Conner**. No sir. The concept of the prison reform task force was created by the New York Society for Ethical Culture. We will service any person who has been in a jail, prison, juvenile institution or the family of such an individual and we will not turn anyone down.

Ms. **Moulds.** Did you ever complain about the violation on your diet minimum?

Mr. **O'Conner.** No, I did not. What you have to understand is that there are certain standards that prisoners follow also and one of them is that you will not be a stool pigeon or an informer and that included "ratting" so to speak on guards and prison administrators so I felt that I was upholding the code by not making a formal complaint against the people who had abused me.

Ms. **Oestreicher.** Did you ever, or anybody you know, ever express to you the feeling that since they put you in, the State put you in, that maybe they're right, maybe you did do something terribly wrong and maybe they're really is for their own good?

Mr. **O'Conner.** I think that most people who go into an institution, especially those that have been convicted of some kind of a crime, recognize that they have done something against society that has resulted in their being placed there. I don't think that that necessarily means that you feel that you're innocent and are being mistreated. I think that most people, at least in my experience, have kind of thought "if this is the way it is, then I won't get caught next time and I'll do it a little bit better next time around." Ultimately that's where your professional criminals come from because after a while you start to feel that it's an occupational hazard to go to prison.

Ms. **Moulds.** How is it an occupational hazard?

Mr. **O'Conner.** Well, an occupational hazard is like a construction worker who has a brick fall on his head which is why he wears his hard hat. To a criminal going to jail and getting busted is an occupational hazard. At a certain point in your development in your criminal career.

Ms. **Moulds.** Did you learn to accept the fact that you were incarcerated and that you would be in solitary confinement for a while or did you continue to rebel?

Mr. **O'Conner.** I continued to rebel until the day I got out. As a matter of fact I was released as a control for a special program that the State prison system was running at the time and I was released because they thought I was incorrigible.

Ms. **Moulds.** Did you ever doubt your sanity?

Mr. **O'Conner.** There were times when I questioned my sanity, yes. There were times in the middle of the night when I would wake up and feel that the ceiling was getting closer and so were the bars and you would have this [disturbance on the tape] I would doubt my sanity during those times, yes.

Ms. **Blinkoff.** In your opinion, what if any, advantages does solitary confinement have on a child or an adult?

Mr. **O'Conner.** In my opinion solitary confinement has no use at all and should not be used under any circumstances for a child or an adult but more importantly for a juvenile simply because you have to understand that a child is like a piece of clay and a child is molded during his formative years and if you are going to mold a good decent human being you have to treat it as a good, decent human being and placing it in solitary with the oppressiveness that solitary creates.

you're not going to get a good, productive, caring warm individual out of a solitary confinement cell.

Therefore, in my opinion, we should end solitary confinement for juveniles and I would go a step further to say that this morning I heard some of the other speakers saying that just changing solitary confinement is not enough. I agree with them but just changing solitary would definitely be a step in the right direction.

Ms. Moulds. What methods would you suggest?

Mr. O'Conner. That's a really good question, I do think that a person can be separated out without necessarily putting him in solitary confinement. I think that they can be restricted in terms of their movements without the use of solitary confinement. I think that there's other ways and I also think that through counseling and support services I think that they could be made to see why they are being considered at that point in time to be an upstart.

[Break in tape—starts again with Mr. Baca, midsentence.]

Mr. Baca. We had what we called a timeout room but it was not for that kid to go into solitary confinement. We had a room where the kid would go in and they would really work through the anger. So I think that counseling is one of the things that we really need is not only doing away with solitary confinement but I think we need to put more money into hiring an additional staff so that they can deal with the problems as they come up. I think that one of the issues that we're going through now within our open settings in our State is there's the corporal punishment rule now. The spanking or the paddling of kids. Some people are for the issue and some people are against the issue. I think a program has come up which means that we don't need to use corporal punishment. I think that we do have the tools and we do have the ability to use other means than the abusive means that we have been using.

Mr. Bakaty. Mr. O'Conner, when you were in any number of the jails that you were in, were you ever physically beaten or abused?

Mr. O'Conner. Yeah, I was beaten on a couple of occasions. At one point I was also given what they called the "water treatment" which means that when you're in solitary, they come up with the "bucket bridgade" and they throw water on you and in your cell and then they open up the windows and let you sit there and freeze. Yes; I have had that experience.

Ms. Moulds. Were you ever given drugs such as thorazine?

Mr. O'Conner. No; I was offered drugs on several occasions, and I always refused to take the drugs because I saw what it did to other people.

Ms. Moulds. Did you remain with this moral thoroughout your entire incarceration?

Mr. O'Conner. Yes; I did.

Mr. Hollings. Mr. O'Connor, did your organization ever lose anyone?

Mr. O'Conner. Did we ever lose anyone?

Mr. Hollings. Like they committed suicide or something?

Mr. O'Conner. Yes. As a matter of fact, we've, lost a couple of people. One was a 17-year-old boy who hanged himself in the Adolescent Reman Center on Riker's Island, in August 1975. Again, he didn't belong in Riker's Island, but that's where they put him.

Ms. **Blinkoff.** You mentioned drugs before, that you refused to take, that were offered to you by other prison mates?

Mr. **O'Conner.** Oh no; this was by prison administrators who, like for instance, a psychiatrist once in Leavenworth suggested that I take some Thorazine and I would not take it.

Ms. **Moulds.** Were you ever abused because of it?

Mr. **O'Conner.** No; not in that instance, no.

Ms. **Moulds.** How did your friends experiencing physical abuse affect you throughout your incarceration?

Mr. **O'Conner.** You mean, people that I was also doing time with?

Ms. **Moulds.** Yes.

Mr. **O'Conner.** Well, I think it affects you because it puts a fear into you. Any time that you see physical abuse taking place. I've watched people stomped to the floor and knocked unconscious, and you also, as you're standing there watching this, understand that this is something that can also happen to you. Again, you become more manipulative to see to it that this does not happen to you. So you begin to use the system for your own purposes.

Ms. **Moulds.** Did this involvement in violence give you sort of a blase attitude toward it?

Mr. **O'Conner.** Oh, very definitely. Yes. I think that violence in the institutions, at least from the standpoint of people who are there, the inmates, it's kind of an everyday thing, so you just don't really pay attention to it. As a matter of fact, you kind of enjoy watching people slug it out from time to time. You get to where it's almost like a boxing match.

Ms. **Moulds.** Do you still remain with this indifference to violence?

Mr. **O'Conner.** No; I think I've developed more of an aversion to violence in my life at this point, in my life. But it did maintain itself for at least the first couple of years after I was out. I mean, violence just didn't mean that much to me.

Ms. **Moulds.** I see. This kind of sadistic view that you enjoyed watching violence—do you think that twisted your mind or your morals at all?

Mr. **O'Conner.** Yeah, very definitely, because it makes you more prone to throw a punch at somebody. It makes you more prone to stand by and watch somebody else be assaulted without interfering. I think it has its effects.

Ms. **Blinkoff.** You mentioned before that after you got out of the first institution, you went on to another because of robbery?

Mr. **O'Conner.** That's right.

Ms. **Blinkoff.** Well, do you think you would have gone into a life of crime if you hadn't been in solitary confinement?

Mr. **O'Conner.** That's a good question. I'm going to have to say that I don't know. Probably, whether I had been in solitary or not, because I had been in the institution. I had been exposed to different things. And then of course there's environment, which plays a very important role in a person who goes out and commits crimes. I had the environment going for me also, so I can't say that I would have not gone out and committed a crime had I not been in solitary. But I can say that solitary confinement toughened me to the situation I would face later on in the street.

Ms. Moulds. Do you feel the institution reformed you for crime or did it aggravate your criminal record?

Mr. O'Conner. The only way I can really answer that is to say that I went to jail for armed robbery, and when I came out I was also a qualified burglar, simply because in prison it's basically a crime school and one of your only compensations is regarding the commission of crimes or the continuance of commission of crimes.

Ms. Oestreicher. Do you feel that if you had not been put in an institution that you would have "reformed yourself" better than an institution?

Mr. O'Conner. I've thought very long and hard about that, and I think that the answer is yes. I think had I been probated and given some support services, at that early stage I think I could possibly have avoided spending many years of my life in institutions, yes.

Ms. Moulds. And as a result of your institutional experience, do you feel that you have learned anything from it or that your attitude toward society has changed?

Mr. O'Conner. I would have to say yes based on the fact that I'm currently the director of the Prison Reform Task Force of the New York Society for Ethical Culture. Part of what allows me to do my job, what gives me an understanding of the system, is having been there. Part of what allows me to provide services to exoffenders that are adequate to meet their particular needs is because I've been through the system and I've seen the system, at this point in my life, from both sides. So I would say yes, I've had some benefit, individually I have benefited from having gone through it. By the same token, I can also say that there are no less than at least 15 people that I served time with that are currently dead, because I've watched the newspapers since I've gotten out and every once in a while I see them in the headlines. They didn't make it, and there's a lot of other ones that are still now calling me from the institutions because they're back inside.

Ms. Moulds. We're out of time, and I'd like to thank you very much, Mr. O'Conner and Mr. Baca, because it's really been good. Thank you. Now I'd like to close these hearings for the day. Tomorrow we will continue at 10 o'clock in the morning. Thank you very much for coming; we will have Senator George McGovern to testify.

AN INVESTIGATION BY CHILDREN OF THE INAPPROPRIATE INCARCERATION OF CHILDREN

WASHINGTON, D.C., *March 30, 1978.*

HEARING EXAMINERS PERSONAL COMMENTS

Ms. **MOULDS.** The last day of our hearings, and I'd like to open before we start the testimony of the witnesses, with a comment from each hearing examiner on their feelings about these hearings and what it means to them personally. Would anyone like to start?

Mr. **KINARD.** Well, I think that these hearings have meant a great deal to me and it's shown everybody what the bad conditions are in these institutions, how they treat the kids. It's been a learning experience to us all. We want very much that this hearing can benefit those children in institutions.

Ms. **BLINKOFF.** Well, I really prepared for this a lot, so did all of us and I really feel that it has paid off. I hope it will be followed up by other people or that we'll do this again, because it's a really really important issue and I just think it shouldn't be ignored by anyone and that everyone should really take us seriously because it's really very important but I don't know, it's just it's been a really great learning experience for me and we have really worked very hard, especialliy Robin. [Laughter.]

Ms. **OESTREICHER.** Well, I thought that, you know, when I did all this research, at first I thought, as I think most people do, that in juvenile institutions, that everything's great, everything's really sweet and it's very modernized. And when I am reading material and thinks like that, when I was doing research, I was really really shocked and I was saying to myself, there's books out on it and there is a whole lot of stuff out on it, but not enough. The thing is that people don't know about it and because not enough people know about it, nobody does anything because they don't think there's enough pressure. But I think because of this a lot of people know about it. If a lot of people really feel that something should be done, then something will be done about it. And I think that these hearings will help, and I hope that they do.

Mr. **BAKATY.** Well, we've been classified on the news as the unique hearings and I think it's very true and I think that we've set a prototype for other kids and other people putting together hearings like this and I think I get an all around good feeling knowing that I'm helping somebody who may need it and I just like to help.

Ms. **MOULDS.** I prepared a lot for these hearings and we developed—each of us—not only an interest in it in helping others but sort of a personal interest. I am participating in these hearings for the people who are trying to help, but I'm also participating in them because it's a cause that I really believe in. My only real hope is as a result of these hearings there will be legislation to stop solitary confinement, physical brutality, and the use of thorazine. Thank you. Our first witness is Frank, who is recalled from yesterday and he was incarcerated in an institution.

TESTIMONY OF FRANK, A CHILD WHO WAS FORMERLY INCARCERATED

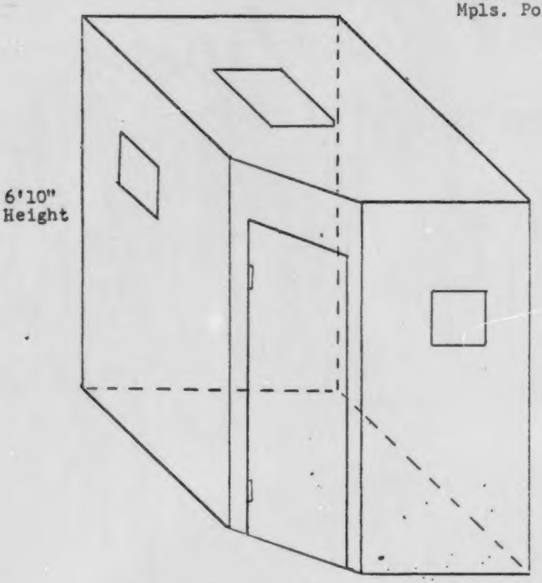
Frank. Hi. I'll start explaining about this room right here.

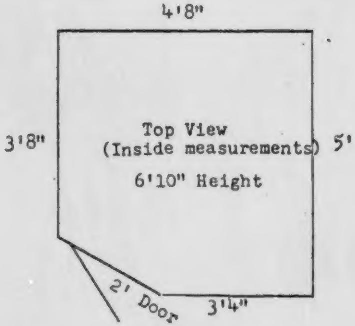
[Editor's Note.—A mock solitary cell was constructed in the children's Embassy after the same cell that Frank had been in. See exhibit.]

11-22-76
Hennepin County Attorney's Office
Search Warrant
15 North 16th St., Mpls, MN.
DCPowers/DAJohnson, Ident. Divn.
Mpls. Police Dept.

Exhibit

98





Ceiling equipped with signle light
and exhaust that is inaccessible to
any person inside and operated by
one switch each from the exterior
Walls covered padded short hook pile carpeting
(very clean)
Walls are 6½ to 7 inches thick
Windows on exterior sides covered but have
small peep holes as does door

Holding area #1 Light does not work - Located in Play/Physical area.
#2 Carpeting on door torn - No exhaust - Located in Laundry room.
#3 Both light & exhaust operable - Located in School room.

Frank. This is what they called T.O. room. This is an example like a model of it. While you were in there, people were in there, you would rip up the walls and there would be nails sticking out of the walls. The floor would be torn up 'cause the whole thing was carpeting. When I was in there, you be in there and you would be locked up and there wouldn't be nobody down there around the time-out room, so if you had to go to the bathroom, people went right in the time-out room, 'cause there wouldn't be nobody around. When I was in there, I'd have to smell it. There would be glass on the floor from broken light bulbs, nails stickin' to the wall and you'd sleep in there. You would be all cramped up, you know, 'cause you'd have to curl up in a ball or sleep crosswise in there and it was cold. You didn't get no blankets and it was really hard to breathe.

Ms. Moulds. Can you show an example of how you breathed in solitary confinement and how you lived?

Frank. I'll go in there and I'll lay down and show you how I had to stay in there in order to keep my cool.

[The next few minutes are inaudible because Frank was not miked while in the mock cell].

Ms. Moulds. For the benefit of television, he said that he had to curl up in a ball because it was very stuffy and hard to breathe. You can explain it better than I can.

Frank. Yeah, well what I did was I just laid down there to show people what it's like in there—the exact thing—as close as what I'd ever make if I made it.

[Editor's Note.—The mock cell.]

Frank. When you was in there, you had to keep your nose by the crack so you could get air 'cause they had fans on the top which some of the times weren't working, the lights weren't working or they was busted or something, so you had to keep your nose by the door so you could test the air that would come through the crack. If you didn't you'd be really stuffed up in there, it was really uncomfortable. Usually you'd keep your nose by the door cause your ears were by that and you could hear of people were down there and if you were lucky, you might get a staff down there that would open up and let you go to the bathroom.

Mr. Kinard. You said there was glass, and the walls had nails sticking through them; didn't anyone ever come in there and fix the place up, and clean it out?

Frank. Not very often. They had maintenance men that would do it, but they wouldn't do it. They'd try to make it more secure, you know? It was unbelievable to me that they could treat somebody that way 'cause you know, when somebody is laying in there they don't know what's going on; sometimes it's dark—they can't see and they bang their head up against the wall and they might get a nail in their head. They might get glass. When I was in there, I was on a drug, thorazine, and I was just out of it; I didn't know what was going on and it was such an experience I felt like committing suicide. I tried it but couldn't do it: I didn't have nothin' in there you know. All I had was broken glass chips from the light bulbs and it wasn't big enough and it wasn't sharp enough so it wouldn't work.

I felt I was going crazy; I felt I had to do something. One time when I was in there I didn't have nothin' to do and I couldn't sleep—I had too much to think about—and I wanted to read or something so I asked for a book; they couldn't give me a book so I thought well maybe they'd give me a Bible. They wouldn't even give you a Bible in there you know? Maybe they thought you was going to hit them with it or something but you know, they didn't treat you right.

Ms. **Moulds.** What other activities did you have in solitary confinement?

Frank. Activities? They didn't have none. In there you just slept and hoped you'd get out soon, or else you'd hope for a meal but the meals weren't very good 'cause they was cold 'cause when they'd cook it, they'd cook it for the people that weren't in the time-out room but when they got around to comin' down to give it to you, if they did, it would be cold.

Ms. **Blinkoff.** What did the meals consist of?

Frank. Milk and just—I called it junk. It was not good; they'd just throw something together. We didn't get enough food there. Everybody was hungry; there would be kids stealing food, sticking it in their shirt, you know, trying to get away with food. I saw one kid there—he wanted food so much he poured syrup on his french toast and he stuck it in his shirt to see if he could get away with it. He didn't and he got a lot of talking and he got sent up to his room for that; locked in his room.

Ms. **Oestreicher.** A little while ago you said that sometimes you felt like committing suicide. I've heard that sometimes some people who attempted it were successful. How do you commit suicide in a supposedly empty room?

Frank. You don't. You can try, you can think about it. You know, you think about it as a way out, but you ain't even got that way out. You ain't got nothin'. You're an animal in there, you know? There ain't people caring for you or nothin'. You're just locked up like a zoo.

Mr. **Kinard.** Have you ever seen anyone subjected to physical abuse or have you yourself been subjected to physical abuse?

Frank. Yes; I have been slapped up or mainly what they've done to me is I'd get mad and they'd hate it so they would try to bring me down to the time-out room and I'd resist them. They'd call all the staff together and they'd try and get me down there and usually they would because I couldn't do nothin'. I was so drugged up, I was like a zombie. When they got me, all they had to do was put my arm behind my back, put it way up so that you're not hurtin' anyone and so what could I do, you know? There wasn't much of me. When I was in there they was abusing my brother; he was in there with me. I couldn't handle that 'cause I hear my brother screaming and I go in there and there's a staff on him and he's trying to get out from underneath him so I say, "Wow," you know "what can I do?" 'cause if I do anything, I ain't much to do anything 'cause I can't help him physically or mentally; help him like talking or anything 'cause people won't listen. They figure if you was on the drug and they had the time-out room for support too, to help them—they didn't have much work to do you know; a couple of zombies walking around and maybe every once in awhile turn and look at them. It wasn't work so they didn't mind working there. Some people did quit because they couldn't handle seeing what was done 'cause they thought, "wow this place is not for me" you know? "I can't do this to the kids! This is unreal. It's inhuman."

Ms. **Moulds.** How long have you been in institutions during your lifetime?

Frank. I've been in institutions since I was 12. I've only been out about a year out of the whole time since I was 12; that's either on the run or on a home visit or maybe I got out, you know, for a little while.

Ms. **Oestreicher.** In your institution was there anybody at all that you could go to and say, "One of those guards just hit me for no reason at all and I didn't do anything. I just walked over there and he hit my brother" maybe. Wasn't there anybody there that would do something about it?

Frank. No; if there was anybody, they'd be too afraid to help me out on this situation because if they help me out, what would all the other people think; all the other staff? They'd think, "He ain't for the staff; he's for the kids". You know? That's what he should be—for the kids—but in a situation like that, you ain't go no one to turn to cause we're the juvenile delinquents; we're supposed to be the ones that got the problems; when they're the ones that got the problems doing stuff to kids like that. That's to me in my mind, I'd call that a crime.

Ms. **Moulds.** During the time were drugs ever forced upon you in any way—such as Thorazine?

Frank. When they gave me Thorazine, they gave it to me orally and they just poured it into a cup and made me drink it and if I didn't, they'd shoot me up with it, so there's only one time I resisted. I dumped it out and I was too tired to do anything else. I didn't want to get shot up, so they gave me another glass and I drank it.

Ms. **Moulds.** What are the long-term effects of Thorazine?

Frank. Well, you're just a walking zombie. You ain't got no coordination in your hands; you can't control your saliva; you can't walk; you're always tired; you can't even talk, you can't communicate with people; you can't get your feelings out; you are like a loner, you know? You ain't got nobody around and you're in your own little world, you know, but you want to be with other people but you can't 'cause you're too weak. Like when I was on it, I was out in the back in the sun and when you're on Thorazine, you ain't suppose to be in the sun 'cause your skin is too sensitive and stuff. Well, I went out there and I didn't want to but they made me—I couldn't do nothing about it, so when I was out there, my tongue swelled up and then my body got—I fell down and my body cramped up into a little ball and I couldn't breathe. I was just barely getting out enough words asking for help and they thought I was joking—so finally one staff came out and seen that I wasn't joking—they brought me in, gave me some water and layed me down—they weren't supposed to give me water because if I had water I could have went into a convulsion or a seizure or something and I could have died. My blood pressure was really low and stuff.

Mr. **Bakaty.** Why did they use the Thorazine on you? Was there any reason at all?

Frank. It's suppose to—well, what they say it's for is to mellow a person out, you know? To keep them calm, but 99 percent of the time

I was calm. It's just that one time and they figured they drug me up and then they ain't got nothin' to worry about 'cause they ain't got to worry about me runnin' or they don't have to watch me 'cause where am I going to go, you know? At least that's what they thought where am I going to go—'cause I was too drugged up to do anything.

Ms. **Moulds**. Did you ever make any attempts to escape?

Frank. Yeah, when I was first there I seen the kids that was on the drug and I thought that was pretty crazy. The way I got it when they explained it to me was there was no locked doors, there was no drugs or nothin, you know. I thought it was just like a group home, you know, with the outside doors locked—that's what I thought. When I got there it was all locked up and stuff and people were just walking around like zombies so I called my ma and I told her I was going to run and the staff wanted to make me hang up, so they made me hang up and I asked other kids for help and left a note. We took the keys from the staff—we held them an' took the keys—we ran out and we were so scared of the place that we didn't mind getting another crime on our record, so when we got caught we started tellin' the cops all these crimes that we did—hoping that if somebody did a crime like that they would have to hold us in the police station so we wouldn't have to go back.

Mr. **Kinard**. Going back to Thorazine, you said they used to fill you up with it. About how much would they give you per day?

Frank. 900 milligrams was the usual thing I'd get per day, but it would depend. If I didn't looked zonked enough, they'd give me more—like the most I had was the day that I almost suffocated to death and that was 1,100 milligrams of Thorazine.

Ms. **Blinkoff**. Were there any times when you complained about an institution and it was finally investigated?

Frank. There was a group home I was in; I complained that the lady wasn't fit enough to have a group home, but nobody believed me cause I was a juvenile delinquent. So I ran away and when I got down to the city I was tellin' them all how bad it was; they didn't believe me. I had a parole officer then and he said, "Well it was his first place you know, that he had ever had where there was kids," and just for spite he stuck me in the worse place 'cause I ran and a year later I found out that they sent kids who were running away and complaining about it. So they sent somebody from the courts to go rent a cabin, cause this place was a resort, so they went up there, rented a cabin and they found out the place wasn't good for kids so they closed it down. It's just like the center, you know? Finally after people had been complaining and stuff—I'd run away, people would see me all doped up—somebody eventually said, "Hey, this can't be for real," you know, they said, "We're going to check it out." They checked it out and closed the place down.

Ms. **Moulds**. Our time is up and thank you very much for sharing your personal experiences with us. It truly was interesting and we wish you the best of luck.

Frank. Thank you.

Ms. **Moulds**. Our next witness is Dr. Robert Mendelsohn who is the professor of the Department of Preventive Medicine and Community Health for the University of Illinois. He is the author of a nationally syndicated column; he is formerly the National Director of the Medical Consultation Service, Head Start.

TESTIMONY OF DR. ROBERT MENDELSOHN, PROFESSOR OF THE DEPARTMENT OF PREVENTIVE MEDICINE AND COMMUNITY HEALTH FOR THE UNIVERSITY OF ILLINOIS

Dr. MENDELSOHN. Thank you Robin. It's very nice to be here. I have to say it's a little bit unusual for me because how many of us ever get a chance to testify before younger people? We're usually facing older people who think that they're in positions of power and so this is very refreshing. Was there anything in particular that you wanted me to address myself to or shall I just begin and then you can ask me questions—whichever way you want to do it.

Ms. MOULDS. That would be fine.

Dr. MENDELSOHN. All right. I listened to Frank's testimony with intense interest because he kept on using a word that crops up over and over and that word is "institutions" and he used another word that I'm used to and that word is "Thorazine" and I don't want to just single out Thorazine; I'd like to mention Compazine and Tigan and Valium and Miltown and all the rest of the behavior modifying drugs——

Ms. MOULDS. For the benefit of the public could you please clarify the term Thorazine?

Dr. MENDELSOHN. Thorazine is one of a number of drugs that are used in an attempt to modify people's behavior. I usually divide psychiatric treatments into three categories: The first area was that of the physical restraints—those are straightjackets and padded cells which offer some advantage I think over the second area of chemical restraints which is what we're in now, because the chemical restraints, Thorazine and other drugs, can cause death. Everybody knows that, and it's documented in all the medical literature. As a matter of fact, I know of no legitimate use of Thorazine.

As far as I'm concerned, Thorazine is, per se, an unethical drug as are Ridalin, Valium, Tigan, Miltown, Librium, and others you may want to name. I and the doctors associated with me never use these drugs, considering them to be unethical, per se, and dangerous in the extreme, leading to illness that is usually worse than the original illness and often to death.

As a matter of fact, the treatment has now become worse than the illness.

I should start out by saying that there are four kinds of psychiatric treatment that I don't like, just so you'll know where I'm coming from. I don't like psychosurgery, which I'm sure you're familiar with: I don't like shock treatment; I don't like tranquilizers and I don't like counseling. Otherwise, I like psychiatry.

Now, luckily we don't have to talk too much about Thorazine, because these treatments have by and large been discredited even in the medical profession. When doctors get together these days, all they talk about is the damage caused by these drugs and even though they're still being widely used, I think that they're very widely recognized, at least judging from the letters I get from people who read my newspaper column, it's very widely recognized that they are dangerous drugs and represent a threat to the health and to the life of every individual who takes them.

My second problem with them, of course, is that they are a substitute for people. The word that keeps on coming up in these hearings—and I've watched them on television in Chicago, the last couple of days—the word that keeps on coming up is "isolation." You see places like this model here in which people are placed in isolation. They sometimes go by fancy names—quiet rooms, time-out places, and I think we have to be very careful of the words because there's a lot of difference, as you know, between the image and reality.

One of my favorite words that has changed is the word, "marijuana." When I was younger and marijuana existed only in the inner cities, it was called weed. And now, of course, it's moved up to the suburbs and it's been changed to grass, because, who wants to have weed in your front lawn. So you have to be very careful of the words that people use.

I think isolation is a key word, because actually, this kind of isolation begins, for a lot of us, at the beginning of our lives and proceeds to the end of our lives. If you think about the way in which babies are born, which is my field. As soon as the mother goes into labor, she's usually knocked out with anesthesia and analgesia, so that she is asleep when her baby is born and thus isolated from her baby. As soon as the baby is born, he's usually taken away from the mother, put in the hands of the nurses and put into his first isolation room which is the newborn nursery.

When a baby cries in this country, most pediatricians will advise the mother to let him cry it out because it's good for his lungs, which makes me think that European babies must have weak lungs, because in Europe mothers pick babies up. Mothers and fathers are told in this country never to take babies in bed with them because it might lead to the Oedipus complex or something like that. Again, another form of isolation.

When people go into hospitals, when children go into hospitals, the visiting hours are usually restricted and very seldom can parents stay overnight. When parents are hospitalized children are not allowed to visit. Now, in the city of Chicago, children can't visit hospitalized parents until they're 16 years old because of germs, which magically disappear on their 16th birthdays. If you go throughout life, you'll find that professionals tend to isolate—and I underscore that word—people from each other until at the end of life—I don't know if any of you have had experience with grandparents or other relatives who have been hospitalized in an intensive care units, where the visiting hours are 5 minutes out of every hour because the nurses don't want anybody around and neither do the doctors, so again the old person's isolated.

Isolation, as a matter of fact, is a key factor of American society. Now, as I listen to these hearings, I try to figure out how we can turn this around, and I come up with the conclusion that there's no point in looking at solutions that have not worked. So I do not look to drugs, I do not think that we will achieve any kind of results by the slogan "Better Living Through Chemistry."

Second, I do not look for professionals. The answer will not come from psychiatrists, pediatricians, educators, schoolteachers, social workers, psychologists, and nurses. Professionals do not have the answer and as a matter of fact, professionals are usually the problem, I would say that if you look at almost every children's institution that I know of, whether it's a mental-health setting or a setting for retarded children or a correctional institution, you'll find lots of professionals in charge. My opinion is that our strategy has to be to decrease professional input and to reduce the influence of the professionals since they have been compounding the problem for some 30 or 40 years now, at least since the 1940's and perhaps a little earlier than that. We will have to turn away from professionals.

I think that the legislative and political solutions may work, but I have to tell you that, in contrast to something you said earlier, I'm not optimistic about legislation. As far as I can tell, all the legislation is there right now. The problem is in the application of the legislation and in its implementation. I do not think that passing new laws will contribute any more than an image solution and we certainly have plenty of image solutions. I would say that there are three approaches that I think are productive and that are realistic.

The first is that I think we have to look carefully at our own histories and particularly in the histories of the people who testify before us and the people who have been incarcerated. I think we'll find a pattern, at least in my own experience. We'll find a very high incidence of premature births, indicating that mothers had poor nutrition during the time that they were pregnant. They didn't have an opportunity to achieve access to good food. So lots of children have a history of having weighed 5 pounds or less at birth, which is one of the biggest impediments to later normal development. I think we will also find that lots of children have had a history of having their mothers knocked out with sedative drugs at the time of delivery, which means that the children themselves suffered certain kinds of damage to their central nervous system. I think we will also find out that the incidence of formula feeding is extremely high and the incidence of breast feeding is extremely low, thus depriving the child of the closeness, and the relationship which today is called bonding, to his own mother. In my experience, the incidence of children who had been breast fed as infants approaches the vanishing point—that is in children who are incarcerated. I think we will also find out that children who are incarcerated have a very high incidence of hospitalization in the first year or two of life and this hospitalization is almost always characterized by the mother or father being prohibited from staying overnight so the child is abandoned and isolated in the hospital, left to tender mercies of the professionals. Now, that's No. 1.

No. 2. I think that the best thing that we can do for children who have been incarcerated—I know you're looking at your watch so I'll make it quick—I think that the best thing we can do for children who have been incarcerated and have been terribly damaged, is to begin to have talks how we ourselves, the children ourselves, can begin to prepare for our own children, so that the pattern of generational continuance of the same kind of behavior can be broken. I think we have to talk with children and teenagers about how to carry through a successful pregnancy, how to avoid prematurity, how to counter obstetrical intervention, how to successfully breast feed, how to stay away from hospitals and how to stay away from all professionals. Because

I think that these are the keys toward changing our children's lives as well as our own.

My final point, this is the No. 3 part, is that I think that the greatest change might be made by carrying out a suggestion that was given to me as I was preparing this testimony by a woman named Marion Thompson, who is the international president of something called the La Leche League, which some of you may have heard of. It's an organization of milloins of women who help each other to nurse their babies by educating each other. She said, and I agree with her, that the best thing that we could do right now would be to set different requirements for the kind of people who take care of children in institutions, Right now our criteria for selecting personnel do not include the considerations of what these people themselves are like.

Now, if I had to select the caretakers in mental hospitals, correctional institutions, day care centers, because I would like to say I regard day care centers as institutions and as potentially dangerous places that have to be very very carefully watched. If I have to choose people to take care of children, I want to know what their own histories are like. Do they come from large families where they've had good relationships with their brothers and sisters, where they may have three-generational families rather than the present American nuclear family which has been so destructive? Have they breast fed their own children? Have they kept their children close to them? Did they take their crying children in bed with them or did they let them cry it out somewhere else? Did they stay with their own children when their own children were hospitalized?

I would judge my caretakers on the basis of how close they've been to their own children, because then I would have more reason to trust them with children who are consigned to their care in the public or even in the private agencies Now, in my experience, I can tell you that in the organizations that I've been affiliated with—State mental hospitals, day care centers, child development places—these considerations are never asked. When we want somebody to take care of children, we never say, "Did you breast feed your own child?" Instead, we say, "What are your college degrees?" Some of you may believe in higher education, but I gave that up a long time ago. I now call it longer education.

I hate to say this to you who are probably right in the middle of your educational plans. I think that education, in most cases, disables us from making the correct decisions about our own children and thus about the children who are consigned to our care by the State. I'd like to say that I think things are getting better, and I think that people are waking up, because again, if the letters that reach me through my column are any indication, people don't trust the professionals, and they don't trust the drugs. They know what's going on; the problem is not that people don't know. I'd like to take issue with you on that. I think people know but I think that people don't know what to do and they have been misled by their own experts and it's time to choose a new kind of expert and a new kind of expert has to be parents and grandparents and other relatives who will replace institutions with family relationships and where institutions are necessary who will replace our present caretakers with a new, more humane, more compassionate, and more intelligent variety.

I know that's a long statement, but I apologize for my length. Once I get started, it's hard to turn me off.

Ms. **Moulds**. That's all right. Debbie?

Ms. **Oestreicher**. A little while back you were saying something about the fact that you think most kids in institutions—their parents, if you looked at their parents, if they were in a hospital where their parents couldn't visit them that much—I don't remember when I was that little, personally. Can you explain how that can have an effect, that much of an effect, when you're one or two?

Dr. **Mendelsohn**. All I would ask you to do sometime is to make rounds with me—if you ever come to Chicago—through a children's hospital at night. I have to tell you I can't do it anymore because when I go through a hospital at night I hear the babies crying and when I say babies I don't just mean babies—I mean all the way from teenagers and adults as well. I hear a lot of crying and I used to—when I heard a crying child, somehow or other that bothers me. I don't like to hear children cry. I don't think children should cry by and large, unless there's a good reason. I do not think that loneliness and abandonment is a good reason.

I used to pick up the children and bring them out to the nursing station and let them sit there, because if they sat at the nursing station they didn't cry. Now the nurses usually, if you go into any hospital at night, the nurses usually have the radios turned up very high to drown out the noise of the children. I think that that's one answer to your question. I can give you some other answers. I'll tell you of an experience I once had where the visiting hours in my hospital ended at 7:30 at night, and the mother wanted to stay with her child until he went to sleep. He was about 4 or 5 years old, and he usually went to sleep at 8:30. The hospital wouldn't let them stay. She made a fuss about it, and I supported her. I talked to the administrator to find out what would happen if she stayed. The administrator told me that they were going to call a police guard to escort her out. So I asked him if he would hold on for a few minutes, and he said he would. I called up a good friend of mine who's a TV commentator in Chicago, and I told him about this and asked him if he was interested in the story, and he told me that—he asked me if I could request the hospital to hold off for about 20 minutes until they could get cameras on the scene. I called back the administrator with this kind of information, and the mother stayed, as you might imagine.

It's very very hard to be permitted to stay in hospitals. It's very hard to be permitted to nurse your baby if you want to, because hospitals think that babies only have to be nursed every 4 hours which of course is ridiculous. I don't know if that addresses itself to your question. Are you asking me what is the evidence that isolation causes personality maladjustment?

Ms. **Oestreicher**. No; I mean when you're that young, it's hard for me to understand how when you're that young——

Dr. **Mendelsohn**. When you're that young. Let me say this. Maybe one of the reasons is because you are probably still taught what I was taught—that babies don't know anything. That they have no consciousness, that they can't even see.

Ms. **Oestreicher**. That's not what I meant. It's just that——

Dr. Mendelsohn. Try me again.

Ms. Oestreicher. Right now, I can remember as far back as when I was 3½. I can remember something. Even then my memory is foggy. When something happens, like if I was in the hospital when I was 1 or 2 years old, I can't remember that at all. I just can't remember any experiences that I had. How is that going to make me, if I was in an institution, more likely to have been that?

Dr. Mendelsohn. OK; how does that have an effect on you even though you can't remember it?

Ms. Oestreicher. Yeah.

Dr. Mendelsohn. Well, first of all, I'm sure you're familiar with some of the great studies of Rene Spitz and some of the other child development authorities who studied very young infants who were separated from their mothers because the mothers went to jail, and even though the infants were only a year or two old, he was able to show how they suffered severe personality disturbances that lasted for years.

I'll give you another example. Maybe some of you have had your tonsils taken out. There are excellent studies that show that if you have your tonsils taken out between the ages of 3 and 7 and you can't even remember it, your behavior will change following tonsilectomy if your parents weren't allowed to stay. In what way? If you were toilet trained, a great number of children will lose their toilet training. If you were just starting to speak sentences intelligibly, your speech will regress. And the changes following tonsilectomy in terms of personality disturbances are so well understood in medicine, that I think that that's another major argument against tonsilectomy.

The evidence for damage even to the youngest child from isolation is also based on studies in orphanages, so that if you take very young children and put them in orphanages, for reasons that are not well understood, a very high portion of them will die.

Ms. Moulds. Going on, I understand that you have listed many forms of isolation in our society today and you said, "Isolation is a key factor of American society." I'd like to know what caused this and why is it so.

Dr. Mendelsohn. I've tried to figure that out. Let me try it this way. If you take a look at American society, you're not only isolated by the doctors in the hospitals, and I suppose you know that until recently husbands couldn't be with their wives in the delivery rooms. I remember about 8 years ago a medical student of mine wanted to be with his wife in the delivery room, and she told that to the obstetrician, and the obstetrician said that he felt that the delivery of a baby was far too personal an event for the father to be there. So the woman told the obstetrician that if it was that personal, she wasn't sure that he, the obstetrician, should be there.

But not only doctors isolate, but schools isolate. And schools often teach different value systems than parents families. College is a particularly isolating event because you know the prestige thing to do is to go 1,000 miles away to college rather than to the college in your home town. So you are then separated from your family and neighborhood and traditional cultural influences, and you are exposed to the influence of your professors.

Now your professors are a dangerous breed, myself included, although I stayed in the same town. Because professors and executives in industry do a lot of moving. How does American industry work? If you want to get promoted, you move to a different town. If you want to rise in the academic world from assistant professor all the way up to a full professor, you move to a different college or university. Every time you move, you destroy more family ties until, by the time you move three times, there's nothing left at all.

The family ties, the blood ties, and the cultural and religious ties are the most important ones in determining loyalty. For example, let's take a hospital for retarded, let's say mongoloid, children. If you want to have somebody take care of mongoloid children, your best bet is to get a blood relative, because they will take care of them better than anybody who's paid for doing it. So I would say that America, by moving people around—and 20 percent of our population moves every year—by using doctors, schoolteachers, educators, day care centers and old folks in nursing homes, tends to isolate every person from any other person.

Now why does it tend to do this? Well, I don't mean to be conspiratorial, but it's one way of keeping people under control. Because if you can isolate them, then you can sedate them. You can keep them in a state of sedation their whole lives. If you want me to give you another thing that's American, I would say that sedation is as American as apple pie, so that you are sedated when you are born. You're giving Demerol and Scapolomedes through your mother. When you start school, you're given Ridalin if you're hyperactive. If the teacher doesn't like the way you look at him or her, you're placed on Ritalin or Dexadrine. A little later you may be placed on tranquilizers, and finally at the end of life you may be placed on antidepressants. And I don't have to tell you, from the sale of tranquilizers, Thorazine included, that it's characteristics of our country to keep itself in a perpetual state of sedation.

That's the kind of think that we have to fight against. I have certain rules that I tell people. For example, if I tell women if they're going to the doctor and if they think that the doctor might prescribe a tranquilizer, to tell the doctor they might be pregnant, even if they're not. Because, you know, that scares the doctor. Sometimes you can even avoid getting an X-ray. I know a woman who just got a new job, and she was supposed to go for an annual X-ray. I suppose you know how dangerous X-rays are, I don't have to go into that. And the way she escaped it was by simply telling the doctor that she might be pregnant. "Oh," he said, "we can't do the X-ray." So there are various strategies that you can use to overcome the authority of the professional and efforts that all of society uses to isolate all of us. Does that come anywhere near close to addressing . . . ?

Ms. MOULDS. Yes. Well, thank you very much, Dr. Mendelsohn.

Dr. MENDELSOHN. Thank you very much, and lots of luck to you. It's very important work that you're doing.

Ms. MOULDS. Thank you very much. Our next witness is Tony, who's a formerly incarcerated child from Oregon. Would you like to open with an opening statement or would you like us to——

TESTIMONY OF TONY, A FORMERLY INCARCERATED CHILD FROM OREGON

Tony. Go ahead and ask questions.

Ms. Moulds. OK. Fine. We might as well start with the subject of solitary confinement. What were you experiences with solitary confinement? What were the physical conditions of it?

Tony. What do you mean by that?

Ms. Moulds. OK, in solitary confinement, the actual room, what did it look like?

Tony. The room was about 5 by 8 or 8 by 8. It had a bed; in some of the rooms they had toilet seats, but in the room I was in, it didn't have neither one of them—just a bed with a mattress and a blanket. It had a——

Ms. Moulds. Could you please speak up?

Tony. It had a big window in it, and a window on the door, where you keep all your belongings in there. You didn't get to do no exercises or nothing like that.

Ms. Moulds. OK, what activities did you have in these institutions?

Tony. No activities.

Mr. Kinard. What was the longest time you ever spent in solitary confinement?

Tony. I spent the most time for running away, coming back on parole.

Ms. Moulds. I think you're going to have to lean more into the microphone and speak louder. Sorry.

Tony. OK.

Mr. Bakaty. Did you ever have any sort of association with any sort of drugs?

Tony. Yes; I have. I was taking Mellaril for being hyperactive and stuff like that. They had to calm me down. [Tape ends.]

[The next tape starts in the middle of a sentence—something is missing.]

Ms. Moulds. * * * solitary confinement. During your time in isolation, what were the causes for your being put in there?

Tony. Well, I was put in there for disobeying the staff and getting in a hassle with the other kids, fighting, running away from the institution and harassment, stealing stuff from other people in the institution.

Ms. Blinkoff. Did you ever suffer any abuse by the staff?

Tony. Yes, I have. I was in this one cottage and the staff grabbed me and pulled me over the counter and just started punching on me. So I didn't want to fight him back 'cause, you know, that would get you more trouble.

Ms. Blinkoff. He just hit you for no reason?

Tony. Yes.

Ms. Moulds. Did you ever try to rebel? What was your attitude toward guards hitting you?

Tony. I wanted to punch him back, but that would cause more trouble on me. They'd send me to confinement and stuff like that.

Ms. **Oestreicher.** What are your feelings now toward these guards? If you saw one walking down the street, what would your feelings be? Would you say anything?

Tony. Yes, I would. I would like to punch him out and fight him, but that would probably send me to some—for doing something like that to him.

Ms. **Moulds.** What was your attitude toward the guards?

Tony. Mad. Pissed off at him and stuff like that.

Ms. **Blinkoff.** During your stay at the institutions, did you ever see anything that really shocked you and made an impact on you? Could you tell us about anything?

Tony. I was in solitary confinement, and I seen this friend of mine. He ran away from there and then they caught him, and he started to hang—he hung himself, and the guards didn't notice it, and then everybody started hollering, saying that he hung himself. Then they came down and there he was, hanging from a light fixture.

Ms. **Moulds.** Did you ever personally consider committing suicide?

Tony. Yes; I was, but I didn't do it.

Ms. **Moulds.** What was your considered method of attempt?

Tony. Hang myself.

Mr. **Kinard.** Before you said you were given drugs. Did a doctor issue them to you?

Tony. Yes.

Mr. **Bakaty.** Just a couple seconds ago, you said that you thought about committing suicide and you didn't. Why didn't you?

Tony. 'Cause I didn't want to die young.

Ms. **Moulds.** How did your attitudes change from when you entered the institution and when you left? Especially the attitude toward society.

Tony. When I went in, I was mad to go in there, 'cause you can't do nothing and you get in hassles when you get in there. They start telling you that if you don't hassle them, you can get out faster, so I just went along with what they said.

Ms. **Blinkoff.** You said that your friend hung himself. The guards did not make any routine checks?

Tony. No; they don't come down there and check on you.

Ms. **Moulds.** Do you feel that they are at all concerned about your lifestyle and how they, and the effects of the institution when you come out?

Tony. I don't think so.

Mr. **Kinard.** Have you ever seen anyone crack up or anything like that, go crazy in these institutions?

Tony. No.

Ms. **Moulds.** Have you ever seen anyone who's been severely emotionally disabled? Do you know what I mean? Have you ever seen anyone who's been emotionally damaged or has had a great character change?

Tony. No; I haven't.

Ms. **Oestreicher.** Not in solitary but in a regular day at your institution, what kinds of regulations were there considering what time you get up and what you do during the day? What did you do?

Tony. When I was in my cottage, we got up at 6, cleaned it up—house duties—ate breakfast, went to school, then got out of school, had activities, played around.

Ms. Moulds. What were some of the punishments that the guards inflicted upon you and what were the causes for them?

Tony. What do you mean by that?

Ms. Moulds. What punishments did the guards have for you and other kids in the institutions, and why did they punish you?

Tony. Sometimes they punish you for fighting, they'll send you to the confinement. Or if you run away or if you disobey the staff. One time the staff asked me to participate in a sport and I didn't want to participate, so he sent me to confinement. I spent 3 weeks in there for not participating.

Mr. Kinard. Have you ever known of a guard who beat up a person so badly they killed them or sent them to the hospital?

Tony. No; I haven't.

Ms. Moulds. Did you ever suffer terrible physical abuse?

Tony. No.

Ms. Moulds. Were you ever beaten?

Tony. Yes.

Ms. Moulds. Could you describe that—any particular incident?

Tony. He grabbed me by my collar and just pulled me over the counter and just started punching on me, but he didn't do nothing but put bruises on me.

Ms. Moulds. What was the reason?

Tony. To see how tough I was.

To see if I would fight back with him.

Ms. Moulds. What would have happened if you had fought back?

Tony. I would get in a lot of trouble.

Ms. Blinkoff. Earlier you mentioned drugs. Who would give the drugs?

Tony. Staff. They would bring them in to you the time that it says on the bottle.

Ms. Blinkoff. The guards?

Tony. Yeah.

Ms. Moulds. What types of drugs were these?

Tony. I was just taking Mellaril.

Mr. Kinard. When you took this drug, was it of your own will?

Tony. Yes.

Ms. Moulds. What were the effects of it?

Tony. Tiredness, making me sleep all day.

Ms. Oestreicher. How was it administered, by shot or pill or what?

Tony. Pill.

Ms. Blinkoff. During your stay, did you ever see a psychiatrist?

Tony. Yes, I have.

Ms. Blinkoff. Did he give you any advice or help?

Tony. Yeah. That's when I went and saw him about getting this drug so I can calm down from being hyperactive and stuff like that.

Ms. Moulds. What did the psychiatrist have to help you? Do you feel he really helped you?

Tony. I went in there and talked to him. He asked me a bunch of questions like why did I want it? I told him I needed it 'cause I was active, hyperactive, that I needed to calm down, so he said, "All right, I'll give you something to calm you down."

[Break in tape, it starts again in the middle of a sentence.]

Ms. BLINKOFF. * * * solitary confinement. Could you thoroughly describe the room—what was on the floor, ceilings, everything.

TONY. The room was 8 by 8. Your bed was hooked to the wall, iron bed, you had a mattress. You got magazines to read, and that was mostly it. If you got put on low level, they would take everything away except for your bed 'cause that was connected to the wall, and you would have to sleep on just bars.

Ms. MOULDS. What were your forms of education while you were in prison? Were you educated at all?

TONY. Yes.

Ms. MOULDS. What types of classes did you have?

TONY. I had math, reading, language, and science.

Ms. MOULDS. Did you learn anything?

TONY. Yes; I did a little bit.

Ms. MOULDS. Do you think this was the equivalent of a regular education that you would get if you hadn't been in an institution?

TONY. It's about the same.

Ms. OESTREICHER. How were the teachers there? When you didn't understand something, did they understand you? Would they explain things to you?

TONY. Yeah, they would. If you needed some help on your work, they'd come and help you so you can get it done right.

Ms. BLINKOFF. When you were in solitary confinement, were you ever given any sort of sanitary things, anything to clean yourself?

TONY. Yes, you was, but they give it to you in the mornings and then after you got done with it, they would take it away—put it back outside your window.

Ms. BLINKOFF. What would they take away?

TONY. You would have a towel, washcloth, and a bar of soap and your toothbrush.

Ms. MOULDS. Were the conditions in your cells sanitary?

TONY. Cleaned out?

Ms. MOULDS. Were they cleaned?

TONY. No.

Ms. MOULDS. Were you ever repulsed by the dirtiness of the institution?

TONY. Yeah. I didn't like it 'cause it was always dusty and they'd never come in and clean it. You breathed it in and it gets in your lungs; you can't breathe very good in there.

Mr. KINARD. Going back to solitary confinement, how many times have you been in there on and off?

TONY. On and off? About six times.

Ms. MOULDS. For each time, what was the cause?

TONY. One was for fighting with the staff, fighting with kids, running away from my institution, breaking parole, and not participating. That was mainly the same thing all over.

Ms. MOULDS. We're tight for time. Thank you very much for your testimony. It was very nice of you to share your personal experience with us. Our next witnesses are a panel of Dave Williams, who's the supervising attorney for the Juvenile Law Center in Portland, Oreg., and Linda Singer, who is the author of "After Conviction" and "Grievance Mechanisms in Juvenile Institutions."

TESTIMONY OF DAVE WILLIAMS, SUPERVISING ATTORNEY FOR THE JUVENILE LAW CENTER IN PORTLAND, OREG.

Mr. **Williams**. Robin, it appears that I'm the panel at the moment. I'm not sure where the other panel member is at this point. What I'd like to do if I may is just give a brief introduction and then open it up for questions if that's possible.

Ms. **Moulds**. Fine.

Mr. **Williams**. Thank you. I work for a juvenile law center that represents almost a thousand children a year in Portland, Oreg. We handle essentially the public defender's work for juveniles in Multnomah County in Oregon. The problem that I wanted to address that I'm not sure this conference has gotten into is that of pretrial detention and this is where children are brought into the local detention hall of the county and held pending a trial or some sort of determination as to what is best for them before they are sent to the institutions that this conference has been considering.

The problem that I find very frequently in the pretrial detention center that I work around, is that there is really no separation of children. You have children being brought in for all sorts of offenses, whether they run away or committed murder. They're all lumped into the same central housing and there's no real attempt at segregation. It's impossible. I suspect this is true throughout the country, given my conversations with other juvenile law attorneys.

This creates a definite problem in that kids who are really not what we call hard core, kids who are just getting into status offenses; running away, being beyond the control of their parents or called MIN's or PIN's kids in a lot of States are lumped in with kids who are committing serious felonies and kids who are really disturbed—all lumped in together in one institution, granted, on a temporary basis, but a temporary basis is their first contact usually with the system as it's called; the juvenile system. Because of that I think the effects linger long after they're released from the pretrial detention center and go on either to an institution or are returned home.

The crowding is quite a problem in the center that I work with. Kids may be sleeping on a floor on mattresses quite frequently. There are two isolation rooms for the boys unit; there's an isolation room for the girls' unit. The isolation room in the boys' unit has no bed frame at all; it's just a mattress on the floor with a pushbutton toilet on the wall. That's it. Big heavy iron doors, very little light . . . I've gone in there to interview clients sometimes when it's so hot in there that the client has almost passed out on the floor on his mattress—just up into the 90's or 100's. There is no way to control the heat and the client is just flat out on his back.

Isolation is used more frequently in these detention centers at least the one that I work with as a means of control. The population gets so high, the limited staff can't afford to supervise everyone at once so they say "Everybody in the room and we'll lock you all up" and that may go on for days at a time with a short period out for exercise. Children in the strict isolation rooms may get no exercise at all.

Average pretrial detention time may run as long as 2 or 3 weeks. This is even children who are in there for very, very minor law violations, like maybe taking a $2 item from the local 5 and dime store; a very small theft. There's no trained counseling staff to see them on a day-to-day basis and work out their problems so the kids usually sit there awaiting their trial or hearing.

I hear repeated stories of physical abuse from the staff, usually nothing horrendous, but certainly a brutalizing effect on the younger children. The children can range in any age almost from 9 or 10 on up to 17 or 18, again with no segregation as to age or seriousness of offense. There's a double standard, also, that this conference may be aware of, between boys and girls. Girls are held if they're classified as sexually promiscuous. Boys of course, are not and maybe that [inaudible] and they're released. That's not a means for holding boys but it is for girls.

Oftentimes kids are kept in these pretrial detention centers not because they need to be held, but because there's no place else for them to go temporarily, so they sit there and wait and wait, a question of lack of resources in the community that this conference has already addressed. There's no probable cause hearing regarding why the children are in the detention center. They may be told their charge, the police report may be read to them, but there's no real attempt made by any judicial official to examine the grounds as to why they should be there. They essentially just have to wait until their hearing. Those were some of the things that I wanted to make this committee aware of and perhaps my colleague can go further than that.

Ms. MOULDS. OK, I'd like to ask how these pretrial detention centers differ from regular institutions if they do at all.

Mr. WILLIAMS. I can speak primarily to the one that I worked with in Portland, Oreg., and there's no attempt for treatment. That's the main immediate difference—that no attempt is made to consider the needs of the child and the immediate treatment needs of the child. The child may be bouncing off the walls, but he's still going to sit in there and be forced to conform to whatever control rules the pretrial detention center has. Maybe that sounds a little bit like the institutions you've been hearing about, too, but there's no pretense for treatment; just that the kid is there and is to be held.

Mr. BAKATY. These pretrial holding areas or places where they stay—are they anything like the ones that they use for adults because I heard about them using that for adults but not for kids.

Mr. WILLIAMS. In many counties in my State and I suspect throughout the Nation, they are the same as adults because there is no juvenile facility in the county and what you have are children brought in and lumped into the same facilities that adults are currently housed in, so it is just a room with iron bars just like the regular adults. They may hang a blanket or something inbetween to try and separate off the cell. There is supposed to be, at least in the State of Oregon, separation from the sight and sound of adults incarcerated in the same facilities—that happens. As a practical matter, it's pretty difficult to do that without building an entire separate facility. So kids are often lumped in with adults with no separation from sound and very little from sight.

Ms. **Blinkoff**. We've had many testifyers—kids—come up and tell us that they've been taken away from foster homes and just placed in hospitals for no apparent reason. Why isn't it against the law for a probation officer to tell the kid where they're going and why?

Mr. **Williams**. I suspect and I can speak again from my State specifically that if the child caring agency that is responsible for the child has sort of a blanket custody then that child caring agency can remove the child from a foster home and place him in a hospital. That's entirely within their powers under the State laws that I work with.

Ms. **Blinkoff**. There are no rights for children to protect them from being taken away without telling them why?

Mr. **Williams**. The child has a right to a hearing but unless there's an attorney actively, the child is usually not going to exercise that right or be aware of that right.

Ms. **Moulds**. In these pretrial detention centers what are the majority of the offenders in the detention centers; what are the crimes that they have committed?

Mr. **Williams**. What are the types of crimes?

Ms. **Moulds**. Yes.

Mr. **Williams**. For the most part you're going to find misdemeanors and fairly light felonies; by light felonies I classify joy riding, burglaries not in a dwelling, perhaps a lot of shoplifting, which is a misdemeanor in my State. Those are the things that get kids in there primarily. You'll find some robberies, you'll find some rapes, you'll find some serious felonies as well, but those are a distinct minority. You're going to find a large number of kids who are in there on a temporary basis because they ran away and there's no place to put them for the moment; not because they've committed any crime.

Ms. **Moulds**. Now Ms. Singer, would you like to make your introductory statement now?

TESTIMONY OF LINDA SINGER, A LAWYER IN WASHINGTON, D.C. AND DIRECTOR OF THE CENTER FOR COMMUNITY JUSTICE

Ms. **Singer**. Sure. Hello. I am Linda Singer. I'm a lawyer in Washington, D.C., and a director of a group called the Center for Community Justice. We have been involved in a couple of things that might interest you. I will describe them very briefly and let you ask questions about the portions that seem relevant to your concern. First of all, we have been trying to develop some kind of grievance mechanisms for kids who are inside of institutions so that they can complain about treatments, about rules, about loss of privileges and be sure that they can get some kind of an answer and a reasonable period of time, and some kind of a review of what's happening to them by people outside of the institution. The way that this is worked in the few places that have tried it, and there are very few at this point, is that kids themselves have gotten together with staff in institutions and designed a procedure. The procedure is such that kids with complaints can present them to a group made up of other kids in the institutions and institutional staff, and try to work them out.

We've been training them in negotiation skills and problem-solving skills so that they can have some affect on rules and on practices that they don't like. If they're not satisfied with the answer, they've got the right to complain to somebody outside of the institution who has been given the authority by the institution to give an opinion. It's not a judges opinion and it's not something that the institution has to follow, but we found that in many cases, just having somebody come in from the outside and say, "I don't think it's fair to do something like this," or "Why don't you try it another way?" has made a big difference.

Other areas that we're working in may also interest you is trying to develop alternatives to institutions for kids who have committed crimes. One of the problems seems to be that the public is not willing, and in some cases probably shouldn't be willing, simply to put on probation or to send home kids who over and over again have committed serious crimes. On the other hand, I don't have to tell you after what you've heard the last few days, the dangers of locking them up in institutions. I think one of the challenges is coming up with something that is in between.

One possibility is that the offenders make restitutions to the victims of the crime and someway helping them to work to pay back what they've taken, the damage that they've done, trying to involve the victim in figuring out what the kid ought to do.

Another possibility is community service. There are places that are now requiring kids who committed crimes to work in some kind of a public works project for a certain number of hours a week for a certain period of time until they have in effect paid off what they've done. Other possibilities are more than probation, some kind of day centers, group homes, there are all kinds of options that we really haven't explored, so that we can take kids that are currently in institutions and find out something to have them do that isn't just a slap on the wrist that isn't locking them up in these awful places either.

At this point why don't you just decide what you are interested in and I'd be glad to respond to questions, if I can.

Ms. Moulds. OK, I'd like to begin. Does your group have any interest in the rehabilitation of a child's life, after he leaves the institution and what you think should be done in this field?

Ms. Singer. We've done some work on community programs, both for kids that have already been in institutions and for kids who don't go in institutions at all. Frankly I am more interested in alternatives to institutions than in simply what you do with people after they get out of institutions.

We have done some work, like the work that I described in institutions on grievance procedures for kids who are in parole, on parole, and who want to complain about what's happening to them. We have not done a lot in the area of rehabilitation and treatment, if that's what you meant.

Ms. Blinkoff. Often institutions have a place where there's a tour guide and it's very clean and nice and then there is a totally different building for solitary confinement cells and rats and stuff. Now you said your organization goes around and checks out these institutions, how do you get both sides of the institution?

Ms. **Singer.** I think when anybody visits an institution it's awfully difficult to find out whether what you are being shown is everything. One thing that I always do when I go to see an institution is ask to see solitary confinement cells, they exist whether or not people want to acknowledge that they exist and to talk to kids not only who are in the honor cottages, which is, you're right, where people generally like to take you, but the kids who are being punished, to the kids who are in the cottages for recalcitrant kids, stubborn kids, whatever. Some institutions, believe it or not, will allow kids to take visitors around, some of the better places, in fact, have tours conducted by kids who are often very happy to talk and to take you around.

One of the big advantages of having a formal grievance procedure with outside arbitrators coming in is that if it is an open procedure you are going to get a lot of complaints from kids who are locked up and kids who are in solitary and those are the complaints you really want to hear and that's what you want people to see. It's not easy—you are right.

Ms. **Moulds.** What role does psychiatric work in the institutions play for a child who's incarcerated?

Ms. **Singer.** I'm sorry I didn't——

Ms. **Moulds.** Psychiatric counseling, what role does that play for a child who is incarcerated?

Ms. **Singer.** I think it plays good roles and bad roles. I'm a lawyer, I'm not a psychiatrist, I don't have any experience as a mental health treater, I have seen some very sensitive and dedicated people working, trying to help kids, both inside and outside of institutions. I've also seen some of the most cruel and horrible treatment justified in the name of psychiatric treatment, or social treatment, and in the best interests of the kids. One of the biggest problems that we have had in trying to get across the idea that kids have a right to complain and kids have a right to offer their own opinions about other kids complaints, is the answer made by treatment staff that we are the only ones who know what's best for kids, that if a kid has a complaint it may well be that the kid is just showing us that he has neuroses, or pschoses and a refusal to deal with the complaint as a legitimate complaint on the part of a kid who has a right to complain.

Mr. **Kinard.** Have you been able to close down any of these places that have solitary confinement?

Ms. **Singer.** I personally, no. I don't have that kind of power or that kind of authority. I'm in the private world. Some people have. Some lawyers have brought lawsuits that have resulted in courts closing down institutions. Some correctional administrators—and there really are some good sensitive correctional administrators who are trying to change these places—have closed down institutions in entire States.

Ms. **Moulds.** Okay, our time is up and I'd like to thank the panel very much for your time and we will now call the next witness. The next witness is Mary, who is a formerly incarcerated child. Would you like to make an introductory statement? Or would you like to get into the questions?

TESTIMONY OF MARY, A FORMERLY INCARCERATED CHILD

Mary. I wasn't prepared for that so I'd like to, you can do questions.

Ms. Moulds. First of all what was the original reason for you to be, the first time you were ever put in an institution, what was the crime you committed?

Mary. I was picked up for shoplifting when I was 14 and I got put in a psychiatric hospital by my mother and my new probation officer and I got out after 5 months and then run away.

Ms. Blinkoff. Where you ever in solitary confinement?

Mary. Yes I was in solitary confinement at Oregon School for Girls, which closed down, and then I ran away and then I got put at Goodwin which took the place of Oregon. I was put in isolation there too.

Mr. Moulds. Can you describe the isolation cell?

Mary. The isolation cell was just a brick room and you got a bed and that was it.

Ms. Moulds. What were the dimensions about?

Mary. I think that they were about 7 by 4 feet, I'm not sure.

Mr. Bakaty. Did you ever have any association with drugs?

Mary. No, I didn't.

Mr. Kinard. What would you do while you were in solitary confinement?

Mary. That's a hard question cause there wasn't much to do. I spent most of my time trying to not think about the fact that I was locked up and trying not to pay attention to how many minutes had gone by. Trying to not think about how bored I was, but there wasn't too much to do in there.

Ms. Moulds. Did your experiences as being an incarcerated person at all break your spirit and your courage? How did you deal with that?

Mary. The way I dealt with isolation, see I was given a 50-day sentence and so as soon as they told me how long I was given, I just curled up in my bed and kind of went into a stupor for a few days. I didn't think about anything. I got up to go to the bathroom, but I wasn't rationally thinking about what went on. I think that I just turned it off 'cause I couldn't deal with it. After about 3 days I just started to realize what was really happening to me, and then I just tried not to think about it myself. I hardened myself to what was happening and tried not to cry, tried not to think about what was going on and tried not to feel it.

Ms. Oestreicher. What types of rules were there when you were in solitary?

Mary. We weren't allowed to speak to anybody else. They didn't have bathrooms in the cells, so we were allowed out to go to the bathroom. Before they'd open up the door, they'd yell to everybody to get out of the halls. If we tried to communicate to anybody, we would get them in trouble. But there was nobody in the halls to communicate with anyway. You weren't allowed to talk out of your door; if somebody was walking by you'd get in trouble. You weren't allowed to wear your own clothes; you had to wear pajamas. There wasn't anything else to do; there was no other rules since there was no privileges.

Mr. **Kinard.** How long were you in solitary confinement?

Mary. I was supposed to be in for 50 days, but after I was in for 21 days a lawyer came to see me. Somebody had told him what was happening to me, and he came to ask me if I wanted to sue these people for what they were doing. I said that I did. About an hour after he left, the superintendent came into my room and told me that I was going to be put into a nicer room, not because I had a lawyer, that it was just a coincidence that today they were going to move me. They put me in a nicer room, and then I had a dresser and a closet, but I was still locked in my room and had to stay in there 24 hours a day. Right about the time the lawsuit was filed, I was moved into an even nicer room and given clothes, and then a couple days later I was released from isolation because a Federal court judge ordered my release.

Ms. **Blinkoff.** Are there any stories or any things that you went through personally that stick in your mind that shocked you? That you could tell us about?

Mary. I think that the whole thing they were doing was shocking. I didn't really realize it when it was happening because I didn't think about it; it was just the way things were and I didn't have any power over it. But after I got out of that institution and now that I can look at it from a clearer point of view. I'm shocked by it. While I was in there, the most shocking thing that happened was there was a girl who was a friend of mine who was partially paralyzed and she had just been, this had just happened to her before she came to the institution. She had to go into the hospital for surgery because somebody had smashed in part of her head. They had to put a metal plate in her head, and they shaved all of her hair off. So when she came back she tried to kill herself. Their response to this was "We'll lock her up in isolation." They kept her there for weeks.

Ms. **Moulds.** Did they ever help her with any psychiatrists or any work like that, counseling?

Mary. Did they ever do it for me?

Ms. **Moulds.** For her.

Mary. I don't know. I left before I ever had a chance to talk to her after she got out. I tried to contact her even though it was against the rules for us to talk to her because I wanted to tell her to call my lawyer, because people in the institution would not allow my lawyer to see anybody unless they asked for him by name. But I couldn't get near her, and I left before she got out.

Mr. **Bakaty.** Were you ever physically or sexually abused by anybody in the institution?

Mary. No.

Mr. **Kinard.** Have you ever known of anyone that has been sexually abused or physically abused by anyone in the institution?

Mary. No; first-hand I don't.

Ms. **Oestreicher.** You said that you would have liked to get in contact with that girl before, to ask her to call your lawyer. Since you were allowed to call a lawyer, were you allowed to call your parents?

Mary. No; we weren't.

Ms. **Oestreicher.** So how could you call a lawyer?

Mary. The reason a lawyer found out what was happening to me is because there was people who came over to the institutions, volunteers to do things with the girls, like draw and stuff, and one of the girls mentioned that I had been put into solitary confinement room for 50 days. she knew a lawyer and mentioned it to the lawyer, and he came over.

Ms. MOULDS. Did you ever have any ideas of suicide or of committing suicide?

MARY. While I was locked up, I fantisized about it all the time, but the fantasy I thought about the most was that I wished I could go into a coma for 50 days and then come out, after my sentence was done.

Ms. BLINKOFF. What about suicide among your friends?

MARY. There was a girl that tried suicide and got put in isolation for it. While I was in isolation, there was another girl who tried to set herself on fire, and they put her in isolation for it. And there was a girl in isolation who tried to hang herself, and they took her bed away and stuff like that.

Ms. MOULDS. Did you ever receive any psychiatric counseling?

MARY. I requested it but was denied psychiatric help, so I also sued my psychiatrist, too.

Ms. MOULDS. Do you know why it was denied?

MARY. I think that he was trying to punish me for trying to run away.

Ms. MOULDS. What was your experience with running away?

MARY. Do you mean how did I run away from the institution?

Ms. MOULDS. Yes.

MARY. I was going to see an eye doctor and on the way back I reached for the car handle and tried to get out of the car, and that's why I got put in isolation.

Ms. MOULDS. OK. Moving on, did you ever have any experiences with drugs in the institution that you were punished for?

MARY. No; they didn't use them there.

Ms. MOULDS. I think that wraps it up. Thank you very much; you've really helped a lot. Moving on, our next witness is Lisle Carter who's the chairman of the board of the Children's Defense Fund and president of the University of the District of Columbia.

TESTIMONY OF LISLE CARTER, CHAIRMAN OF THE BOARD OF THE CHILDREN'S DEFENSE FUND AND PRESIDENT OF THE UNIVERSITY OF THE DISTRICT OF COLUMBIA

Mr. CARTER. Good morning. I'm Lisle Carter, president of the University of the District of Columbia. I'm testifying here today as chairman of the Children's Defense Fund. I first want to congratulate the members of the panel for holding these important hearings on the fate of children in institutions. You have heard during the past 2 days about the atrocious conditions under which tens of thousands of children are incarcerated in this country. The problems have been well documented again and again, and attention now needs to be focused on reform.

In 1976, a study of children in adult jails, the Children's Defense Fund found children in adult jails in each of the nine States it visited. No region of the country was immune from the practice. Children were found in jails in cities, medium-sized counties and sparsely populated rural areas. White, black, Chicano, and native American children; upper-middle class and dirt-poor children. Adolescents and those under 13 years old. On serious charges or for no reason at all. These children, however, are only a portion of the over 500,000 children who live away from their families in facilities ranging from individual foster family homes to group homes to large institutions. Many of these are the responsibility of the child welfare system. Others, like the children you've heard from, of the juvenile justice system, and still others of the mental health and mental retardation system. These are the children of all ages, some have special needs stemming from physical or emotional handicaps, some have been involved with the juvenile court and others have no disabilities but are removed from families where pressures to cope are too great or where there has been abuse or neglect.

In a study soon to be published by Children's Defense Fund, "Children Without Homes," an examination of public responsibility to children in or out of home care, documents how far too many of these children are unnecessarily or prematurely removed from their homes before attempts have been made to work with or to provide preventive services to their families. Tens of thousands are improperly placed in inadequate facilities for long periods of time, often away from their communities and even out of their States. Their status is seldom, if ever, reviewed. They languish in a twilight area, neither returned home nor otherwise provided permanence. No one examines the conditions under which they live or the quality of care they are given. Conditions you've been hearing from in these hearings. When they do return to their homes, they are seldom provided adequate service, either for them or their families.

The treatment of these hundreds of thousands of children makes a mockery of our national rhetoric about the sanctity and importance of the American family. And about our professed concern for our children. The States' performance in their surrogate parental role for these children is haphazard at best and at worst is as neglectful and abusive as the worst individual parent. States are failing to meet their obligation to individual children at risk or in placement. The public system lacks the capacity to insure coordinated program planning and service delivery. The compliance with even weak State laws and regulations is inadequate.

As distressing as the lack of overall explicit Federal policy toward children out of their homes including incarcerated children. The policy reflected in Federal funding priorities acts as a disincentive to the development of strong programs to maintain children in their own homes or in appropriate community-based facilities. Although the Federal Government has taken an explicit stance in favor of deinstitutionalization, that is keeping or getting children out of institutions, there has as yet been no concerted effort to insure that movement toward deinstitutionalization in the child welfare, juvenile justice, and mental health systems are in fact working to the benefit of children.

Federal protection for children out of their homes are uneven and they are weakest in our child welfare legislation. It is because of the failure of Federal and State policies and the lack of effective action to meet the needs of children in a range of settings, including institutions, that CDF is announcing its first national legislative agenda for children on April 15.

The goals we are seeking are goals which can bring about changes in conditions which the children you have heard from during the past few days, have attested to so eloquently. Our immediate goal is passage of a comprehensive child welfare bill which will erase current Federal fiscal incentives to remove and maintain children out of their own homes, which will provide targeted funds for preventive and family reunification services, adoption subsidies, and a periodic review mechanism to prevent unnecessary removal and lengthy placement outside a permanent family setting.

To insure placement of children in the least restrictive settings appropriate to their needs, and within reasonable proximity to their families. Some 10,000 children are now placed outside of their own home States.

To provide children and their families with due process protections prior to removal and termination of parental rights and to insure needed services.

It is now pending in the Congress, H.R. 7200, which passed the House of Representatives in June of last year, then addresses some of the components outlined in addition to many other changes in the public assistance bill. The child welfare provisions of the House-passed bill address in-home service adoption subsidies and a series of foster care protections. Weaker amendments have passed in the Senate version of the bill. If children who are out of their homes are to be helped, the child welfare provisions in H.R. 7200 should pass. We need the support of all who are concerned about these matters, seeking passage of this bill.

If the public has been affected by these hearings, then they should make their views to their Senators and urge immediate floor action on title I, the child welfare provision of H.R. 7200, as reported by the Senate Finance Committee.

Similar immediate attention must be given to the requirements of the Juvenile Justice and Delinquency Prevention Act, which prohibit the placement of juveniles in any facility in which they have regular contact with adult prisoners, and require that status offenders, that is those who've created no crimes except for their age, truancy and determined to be incorrigible, depended and neglected children are not placed in juvenile detention or correctional facilities. Without a system to monitor State compliance with such requirements these protections will not mean anything.

As longer range goals, we need legislation which provides financial incentives for services and programs in communities that will end inappropriate institutionalization, insure appropriate services for children and youth when they return to their communities. We need both legislation and administrative efforts to encourage the development of differentiated juvenile justice systems which both protect the community from the small—about 10 percent—minority of juvenile offenders who threaten its safety and serve all others with a full range of services in the least restrictive setting appropriate to their needs.

The children you have heard from earlier have been largely adjudicated delinquents. The country must understand that not every, and indeed not most, delinquents are violent. They are children who got neglected along the way in our schools, our health care systems and our failure to help families help themselves. And of the lack of appropriate services when they do get into trouble. Let's do what we have to do to bring delinquent children into appropriate community-based facilities. Let's also make sure that the status offender of today, the suspended child of today, the neglected child of today, does not become the delinquent child of tomorrow. Let's not just sympathize with what we've heard; let's act now. Thank you very much.

Ms. **Moulds**. Thank you.

I'd like to begin with asking you if you . . . one of your points is that our failure, our many failures in our cultures, many failures in our justice system in general, does promote delinquency of our children?

Mr. **Carter**. Well, I was making a different point. There well may be connections between the justice system in it's general administration and the delinquency of children. The point I was making though and want to reemphasize is that many children come in contact with the justice system who should not be in contact with them. They have performed no act which if they were adult, would lead them to be taken into court.

The evidence is clear that when a child is incarcerated in any kind of institution in delinquency setting, the chances of that child going on to a criminal career is significantly enhanced so we need to do everything that we can to keep young people out of such institutions and only restrict that where it is needed for the protection of society and I notice that the data would suggest that only about 10 percent of those who are judicated would be in circumstances which would be considered threatening to society and to the community.

Ms. **Moulds**. Susannah?

Ms. **Blinkoff**. Why don't status offenders get a definite sentence?

Mr. **Carter**. The issue is whether status offenders should be handled in the way they are being handled at all. The need of the status offender might well be that there could be some definite term connected to whatever treatment they are required to undergo. The more important thing is that they not be lumped in with young people who would otherwise be considered to have committed what would be crimes if they were adults and that they be treated in ways that deal specifically with the problems which they appear to have.

Ms. **Moulds**. What results would the passage of your bill cause?

Mr. **Carter**. The main thing that we are seeking is support from both Federal and State governments for policies that would keep and get young people out of institutions that would strengthen support in the families where possible. That, where needed, would provide support and services for adoptions. Where permanent decisions would be made as far as finding a permanent home for the children. In every case to assure regular reassessment and review of the status and situation of the child wherever he or she is being treated.

Ms. **Moulds**. OK, Ms. Carter, thank you very much and we offer our support for the children's defense fund. Thank you.

Mr. **Carter**. Thank you very much.

Ms. **Moulds**. I will now break for a 5-minute recess and we will return with Senator George McGovern.

[Recess.]

We'll resume the hearings and I would like to call our next witness. Senator George McGovern.

TESTIMONY OF HON. GEORGE McGOVERN, A U.S. SENATOR FROM THE STATE OF SOUTH DAKOTA

Senator McGOVERN. Members of the Children's Express, I want, first of all, to thank you for inviting me to share some of my own concerns about the subject of incarcerated children. Here in the United States, especially for the past year, we've been emphasizing human rights as a concern of this country around the world. I think this is a very important ideal, but it's a tragedy that no American can live with; that there are serious human rights violations in our own country, not the least of these being the violation of the legal, moral, and personal rights of our children. We say that children are the most important resource that our Nation has and I believe that is true. But, in fact, our children are our most neglected, most abused, and most desecrated resource.

This is true because children are the least organized, the poorest, the most vulnerable, and the least represented of all of our citizens. They are too helpless, in many cases, to defend themselves against brutal, ignorant adults who sometimes abuse them in the home and then compound the injury by incarcerating them in places that punish them by solitary confinement, by needless injections of drugs, by cruel and inhumane punishment.

I would like to state today that there are many excellent institutions with personnel who are dedicated to meeting the needs of troubled children. Unfortunately, there are other types of institutions that can only be described as terrible. They demand the attention of every citizen because the children who live in these institutions cannot speak for themselves. They cannot vote, they cannot form committees, they cannot lobby the Congress because they are locked up or they are so heavily drugged they're unable to speak or they're terrified into silence by the fear of further abuse. It is up to us to see that children in these institutions are given proper care, that institutions are held accountable for the type of care they administer, and that decent, workable alternatives are provided. Federal and State bureaucracy, although in most cases I think well intentioned, have perpetuated the problem that we're talking about today.

It is ironic that in the U.S. Senate of which I'm a member, we frequently cut off aid funds to countries that violate human rights while at the same time, we continue to approve millions of dollars for institutions that are violating the human rights of innocent children. If institutions receiving Federal money are needlessly placing children in solitary confinement or are drugging children simply to knock them out, then it is the Government's responsibility to see that these practices stop.

Several alternatives to institutionalization have been proposed such as setting up group homes or half-way houses or the employment of part-time guardians and I think these proposals all merit careful study, careful consideration, and then they demand that we move toward other alternatives that hold out more promise than some of the neglect that we see today. I think all of you recognize that these are not problems that are quickly or easily resolved.

Participation is needed from concerned citizens at every level of our society from the President on down. I intend for my part, to do better than I have in the past to give more attention to the problem, so that these injustices can be eliminated. I think working together we can bring children out of the hell that many of them are living in, into the light of a better day.

Next year, 1979 is the International Year of the Child. That year ought to especially be a year when we dedicate ourselves, not only at the level of the United Nations, but at the level where all of us live to make sure that this is a country that not only gives lip service to human rights, but indeed demonstrates new respect for the human rights of all our citizens and especially those too young to help themselves.

Thank you very much for the privilege of appearing before you today.

Ms. MOULDS. OK. I'd like to open the questioning with: I'd like to ask what alternatives to institutions would you suggest?

Senator MCGOVERN. Well some that have come to my attention are the possibilities of halfway houses; some would include the group houses; some would include the employment of part-time guardians to deal with troubled and difficult children. I think beyond all of this, there's a desperate need for programs that work directly with the family. More and more I've come to the conclusion that the problems of an individual child can't be dealt with except in the context of the family. So that the more we can develop personnel, programs, institutions to work with the entire family on the problems of child abuse and looking for alternatives to incarceration, the better we will be. I also think more emphasis on preventive approaches is needed. I've worked in recent years especially on the problems of nutrition and preventive health. I'm more and more convinced that the way to produce healthy people is not to deal with them after they're sick, but to try to keep them healthy. That's true with the kind of problems that eventually lead to incarceration for children. We need to work more carefully and intelligently than we have in the past in developing the kind of family practices and family structures that will make it unnecessary for children to be incarcerated.

Mr. HOLLINGS. How many incarcerated children are maintained by Federal Government dollars?

Senator MCGOVERN. Would you repeat that again?

Mr. HOLLINGS. How many incarcerated children are maintained by Federal Government dollars?

Senator MCGOVERN. Well, I can't give you an exact figure on that. I read Mr. Wooden's statement and some of his accounts in which he refers to having visited over 100,000—institutions that incarcerate over 100,000 children—and I suspect that there are probably 1 million children at least, that in one way or another are involved with the Federal Government in some way. I couldn't give you an exact figure, but it's far too many.

Ms. MOULDS. Much money is pocketed by the institutional authorities through the function of these institutions. Do you feel the current administration is doing anything about that?

Senator McGOVERN. The current administration is not doing enough and that is not describing them as a unique administration because no administration has done enough. The Congress has not done enough. Neither the executive branch nor the Congress has monitored these programs that involve Federal dollars as closely as we should have. As I indicated here earlier, we seem to be more sensitive to violation of human rights abroad, where U.S. dollars are involved than we have been at least to date in monitoring the way Federal dollars are spent in institutions that incarcerate our children.

Mr. MOULDS. Whose fault in the administration is that?

Senator McGOVERN. Well it's the fault of everyone from the President on down. I think if President Carter were here this morning, he would recognize that we haven't addressed this problem as urgently as we should have, but no problem of any importance before this country is going to be resolved by the President alone. It's going to be resolved when each one of us feel a personal obligation to speak out and to do the kinds of things that you're doing in these hearings today.

Mr. CLAY. What has been Congress general outlook toward these problems?

Senator McGOVERN. Well I would say that on the hopeful note there's been a quickening of interest in the last few years in the problems of children. I think the Juvenile Delinquency Act of 1974 was a landmark piece of legislation. The Runaway Act of 1973 was a landmark bill. Some of the amendments that have been passed since that time are very important so that my own view is that while we haven't done nearly enough, there are hopeful signs that the Congress is coming to life on this issue.

Ms. TRENTLYON. Could you elaborate a little more on what the Government has done in the past?

Senator McGOVERN. Well I wish I could. I wish I could give you a detailed account of what the Government has done in the past. I know that there have been investigations in the Congress. There have been efforts led by Mr. Rector and the Department of Justice and others to use the authority that the executive branch has to monitor programs involving Federal dollars. We have passed legislation just recently dealing with the exploitation of children for pornographic purposes. We're working now on other legislative proposals that relate to children, but I think the important point to emphasize here today is not so much what we've done but that the job that remains to be done.

The fact is that there's no State in the Union, not 1 out of the 50 that has what I would call a model program to deal with the institutional problems that stem from incarcerating children. There's no State that has an adequate preventitive program in this field, and much work needs to be done yet by the Federal Government before I could sit here as a representative of that Government and tell you that we're doing a good job.

Mr. HOLLINGS. What things have you done for children's rights?

Senator McGOVERN. Well I've worked with the proposals that I've referred to here this morning. I haven't done enough. It's not a field that falls immediately within the committee jurisdiction to which I'm assigned in the Senate of the United States, but I recognize that that's not an adequate excuse. I come here really today as a newcomer to this field as far as genuine commitment is concerned. I want to do more. I would like to say to you that my wife has done far more in this field than I have. If I had been elected President of the United States in 1972, it was her intention to become the children's advocate in the White House. That was going to be the center of her activities and I suppose one of my major regrets about the outcome of that election——

[Tape breaks: Most probably video equipment was being changed. Resumes with Chris Clay questioning.]

Mr. CLAY. . . . Federal Government is the organization that sends all the money to these institutions. Now don't they look to see where they're putting their money?

Senator MCGOVERN. Well, unfortunately, they haven't looked carefully enough. I think we're doing better on that question now than we were a few years ago, but I want to underscore the thrust of your question, that we have an obligation we haven't fully discharged to monitor these funds more closely. Many of the practices that relate to the incarceration of children are within the power of the States, but as your question implies where Federal funds are involved the Federal Government has the obligation to see that those funds are spent for constructive purposes. If they're not spent for constructive purposes, they ought to be cut off.

Ms. TRENTLYON. If the Government is so aware of what is happening in the incarceration situation, why are they allowing it to continue?

Senator MCGOVERN. Well, I don't think they are all that aware. I think you have a small group of people in the Government—I mentioned Mr. Rector here a moment ago—who I think deserves to head the list of concerned people in the executive branch, but I hope I haven't left you the impression that I think the U.S. Government is fully committed to the concerns that you share. You have a lot of work to do before that happens.

Ms. MOULDS. Do you believe that in the institutions, solitary confinement is necessary or do you believe that there's another alternative for it?

Senator MCGOVERN. I can't think of any circumstance under which a child ought to be put in solitary confinement. I think it's a barbaric practice that ought to be outlawed in this country. It serves no purpose. It only serves to further degrade and demoralize and destroy personalities. There's no place for solitary confinement in the treatment of children.

Ms. MOULDS. Do you have any suggestions for alternatives to it?

Senator MCGOVERN. Well, the first alternative is to end that. That's not—there are various ways to deal with troubled children other than through solitary confinement. I recognize that there are difficult children that may have to be confined, but they don't have to be put in solitary confinement. They don't have to be subject to inhumane punishment. They don't have to be heavily drugged. The abuses that one reads of all across this country, as Mr. Wooden's book "Weeping in the Playtime of Others," is enough to nauseate a person and I think it's not necessary for me to spell out here today detailed alternatives to solitary confinement.

There are humane ways of dealing with children—dealing with other human beings that don't require that. Most of these youngsters are in need of more counseling. They're in need of more human contact, not less. Part of their problem is the lack of warm, meaningful relationships with other human beings. Solitary confinement is the exact opposite of that.

Ms. **Lozier**. What about drugs? Do you think drugs are a good source of calming someone down?

Senator **McGovern**. I don't see the use of drugs in handling children unless it's for medical purposes. To use it as a form of punishment, to use it to immobilize a child simply to knock them out, strikes me as an obsolete practice that ought to be ended. I see no execuse for it.

Ms. **Trentlyon**. When you say ending solitary confinement, does that only go for children?

Senator **McGovern**. Well, I personally think solitary confinement for adults accomplishes nothing. I'm not as clear on that as I am in the case of children. We're talking about the problems of incarcerated children here today. I never felt comfortable with solitary confinement. I visited some of the solitary confinement cells in our Federal prisons, our State prisons, and I fail to see where they serve a constructive or corrective purpose.

Ms. **Moulds**. What are you setting up for the International Year of the Child?

Senator **McGovern**. I haven't made any plans for it as yet.

Ms. **Moulds**. What do you think the program should be?

Senator **McGovern**. Well, I think it's got to be a program that focuses on the problems of all children. It ought to deal with their legal rights; it ought to deal with the problems of child abuse; it ought to deal with the problems of pornography involving children; it ought to deal with the whole range of family problems and family opportunities. I personally would like to see the International Year of the Child find its main focus on strengthening family life.

Ms. **Moulds**. OK. Well, thank you very much, Senator McGovern, for your time. We appreciate and know you have a busy schedule. Thank you very much for attending our hearings.

Senator **McGovern**. Thank you for this opportunity.

Ms. **Moulds**. We will now continue the hearings with a panel discussion with five of our incarcerated children—Frank, Tony, and Mary, three of them. Will the panel please adjourn? [Sound goes out on tape.] * * * is to see how you relate to each other and to share your experiences. I'll start from the right. On my right is Jeff, Tony, Mary, Frank, and Pam. First of all, I think you share your experiences. What do you think should be done about the incarceration of children? How should it be improved?

TESTIMONY OF A PANEL OF FIVE INCARCERATED CHILDREN; JEFF, TONY, MARY, FRANK, AND PAM

Jeff. I think that they shouldn't. I think it should be with individuals ———— the problems and guilt trips, you know how they give you guilt trips and stuff? I feel they should deal with the individual, where the problems originated, not with the——

Mary. Do you think they should try to find out what you're doing?

Jeff. Yeah, your reasons behind it, instead of, you know, the surface reasons. That's just something they can say, that's why you did it, put it down on paper and stuff.

Ms. Moulds. Could all the panel please speak louder because it's very hard to hear.

Mary. It's very hard to talk into these.

Ms. Moulds. OK, going on. What laws would you like to see changed or improved upon?

Mary. I think that the whole idea of the way the institutionalized juvenile should be changed because we're treated like adults whereas I think that at such a young age, people, their behavior should be worked with, because children are not beyond hope when they're picked up for things like running away and stuff like that, and I think they should be treated like there's something that can be done about what's happened with them. I think the things that bother them should be worked on, and I haven't ever seen that in any institution I've been in. I don't think this happened to any of us.

Ms. Moulds. Any other ideas?

Pam. I agree. I feel that some sort of solitary should be allowed. I feel that some sort of solitary should be allowed, but not for extended periods of time. Like if a person has lost control. I feel that they should be isolated for, until, you know, somebody goes and checks on them in half an hour, "How are you feeling?" If you're feeling OK, come out.

I don't think they should be locked in for 3 days, 3 weeks, 3 months. I think that's ridiculous. So I don't think that solitary should be all the way, just written out of the law. But some people, the staff, abuses solitary; they use it as a way of not dealing with the situation and that's wrong.

Ms. Moulds. OK, what do you all think? Should there be any punishment for a child who is in an institution and acts up? Should there be any——

Jeff. No. I think that there should be a way of dealing with it, but when somebody's in an institution and they act up, what do they expect? They stick a kid in some place, he doesn't know anybody and it's his first experience. He's locked up and can't go anywhere; he can't walk around the block or anything to get rid of his feelings. There's got to be some other way instead of punishing him by locking him up, handcuffing him, and shackling him. It's a whole new experience for him. That's the way I felt. If there was some other way, some other program like—where I'm free and I can go up to the staff and talk to them knowing that they're not just paid to act like they care and talk all this psychiatrist talk to you. Make you more wise of your ways. I think there should be care, concern, not what's right and wrong because there is right and wrong but it's just—you know if you care for somebody, you're not going to beat them up, you're not going to steal from them because I'm learning right now that the place that I'm at is different. There are only two special staff there and the rest of the people just live there, and you eat with them, and if you have a problem, you don't say that you have a problem. You bring it up in a group or something. You go to a staff or your friend or anybody that lives there. You talk out the problem and think of objectives to help you with it instead of bringing it up formally in a group meeting labeling problems. I don't think you need labels. They are nothing but words. Feelings are what you need to get into.

Ms. MOULDS. Anybody else?

PAM. I think that the staff, their backgrounds should be thoroughly checked because you get these perverse people who are in control of children and they have tempers like I had to my degree when I was young. They say "you've made me angry" and they hit you, they flail at you, they restrain you, they put you in confinement, and they keep you in for extended periods of time. With no experience themselves of how it feels to be locked away for a long time. I think the staff should be thoroughly checked out and then they should be professional people because anybody can be a staff person. I can walk right in, put in an application and be a staff person and be a cruel person and in control. I think staff, the people there on staff, should be thoroughly checked, I I just think that it's sickening.

MARY. Yeah; I think they should change their ideas about when somebody acts out that it's not right and it's not wrong; that there are problems there and they should work with what it is and not so much with what they're going to do to you because you've done this. There's only one way that I think you should deal with what a person's done and that is to deal with why they're doing it, and in the long run it's going to help. If you punish them, it's only going to make the person more resentful; bring out more hate—because I know that is what happened with me. I also know that when I got out, I went through a group home where we worked on people's behavior and the staff worked on their own behavior, and it wasn't so much an authoritarian place, and I think it's done wonders for everybody who has gone through the program.

Ms. MOULDS. Of all the abuses that we've brought out during the hearings in the institutions, which do you think is most painful for you personally.

JEFF. I think the most painful would be to be put in the time-out room and you know, just being put in there and not knowing when you're going to get out. That's the worst thing that could ever happen, because you're just in there—you don't know when you're going to get out, and you don't know what's going to happen to you.

TONY. The worst thing I think is some kids being strapped to their beds in restraints or handcuffs, stuff like that; I don't think they should do that either.

MARY. I don't think that I could label one more painful than the other.

FRANK. I think that one of the things that is really bad is when you're in a place and you don't know when you're getting out. And when you run away, you're labeled that you're hiding from your problems.

You're runnin' from the place, not the problems. They say it's from your problems, but it's from the place. Wherever you go you got your problems and I think that a lot of people know that they got their problems and they carry them with them wherever they go.

PAM. I think my personal horror is drugs and the abuse and the amount administered is just like horrible; and to be drugged for any little thing that you do; just so that you'll be out of the way. You know, you go to sleep and they say, "Well we don't have to deal with her until the next drug." And I think that that's worse to me.

Ms. Moulds. One of the topics that we brought up is that there are so many status offenders who have committeed no crimes—just runaways—put in with people who have committed serious criminal offenses, such as rape or murder. How do you think that these types of people should be separated from real criminals?

Mary. I think that I can speak about that because I was placed in an institution for being a runaway and there was only one other person who was sent up for being a runaway and she ran away 30 times and it was my first time. I think that that only made it much worse because I was being treated like a criminal. I don't think that you can call people who are sent up for things like prostitution or armed robbery any different from people who are sent up for being a runaway because they all have problems; they are just coming out in different degrees, I don't think that the institution is the right answer for anybody who was sent there; that type of institution. I think it was harder on me being a runaway because I was separated from the rest of the people there and I was treated differently because I was into things as much as everybody else. So I think it was harded on me being sent there and having a different background.

Frank. My experience was that I learned to steal a car at a place I was sent to; I was even interested in stealing cars, but when I ran away, the first thing I learned was how to get back to my home. When you need to get home, you need some transportation and so that's where you learn. People who have been through it teach it to you, you know? Some people think it's cool and I admit when I was doing it I thought "Wow" you know "I'm with these guys and they're pretty cool" and so I started learning the stuff they was teaching me.

Pam. I feel that they should be separated, but I don't think that they should be treated differently. A runaway shouldn't be treated better than a person who has committeed armed robbery. I think all the problems should be dealt with from a mental level because every person has emotional disturbance—everyone. People who run away from home; they have an emotional disturbance there or they wouldn't run away from home. And there's an emotional disturbance if you attack somebody and rob them, they should be separated because there are two different levels of emotional disturbance, you know? And as Frank said, you will learn more crime, more about criminal offenses locked in with criminals, you know? And as Mary said, you feel out of touch and you should be separated, but not treated differently. You should be treated on your emotional level.

Ms. Moulds. Do any of you have any desire to go to court and fight—some of you have—I know Mary has—but do any of you have the desire to go to court and fight for the things that were brought against you?

Frank. Right now I'm in the process of getting what I call "getting back what was taken from me" and now I'm suing the place; I feel it's taken a lot from me, you know? From my soul 'cause what I've been through it's just totally blown me away. Right now I still feel bad when I look at that [points to mock cell]. "Wow, you know what have I been through?" So I'm going to get what I deserve back.

Mary. I've already completed my trial and I sued them for cruel and unusual punishment and I also sued them for not giving me my due process before they put me in isolation with my 50-day sentence. We won everything that we asked for; we got the cruel and unusual and we also got the not giving due process. We also got damages and the people involved were like the superintendent of the school; my psychiatrist who refused to treat me; the warden and another social worker who was sued by another girl who was on the case with me. And so we won everything and that was in Wisconsin.

Tony. I feel that I should go to court for the center that I was at—the Center for Behavior Disorders, to try to get Ron Collins—he got off scot-free for it and I just don't think it's right 'cause he had all the money he wanted for his lawyer and his [inaudible] and like Angel, the head nurse that worked for Ron Collins, she admitted guilty to everything and Ron Collins just got off scot-free and he's the boss.

Pam. I also had a suit in court, but you can win like monetary compensation but that's not enough. I think what should be done is there should be some changes made within the institution. This is what should be fought for, more so than monetary compensation. I mean, 'cause, money comes and you spend it and that's it. But what about the other people who are still there; still being mistreated? No amount of money can replace what's been taken away from you. And I think that this should be a fight for changes; immediate changes in the institutions.

Mary. I think that that's right but commonsense should tell people they can't lock us up but it didn't, so sometimes the only way you can get a message across to somebody is hitting them in the pocketbook. And I think that's a good way to do it.

Pam. OK, you hit them in the pocket. If they've got the money, they'll give it to you, you know? And if you consider the whole State; the State has money and you can get the money and that's not gonna change. OK? You've been compensated, personally, but there are still people there who maybe don't have a lawyer or even the knowledge that they can do this and that doesn't change anything, hitting them in the pocketbook at all.

Jeff. I think it does.

Mary. Yes it does.

Tony. Yes, it does.

Frank. Yes it does.

Pam. I don't——

Jeff. If you sue somebody, the word gets around, you know? And people are going to think twice about "Hey, this dude was sued for doing all this crummy stuff" and they ain't gonna want to send somebody there you know? So that's saving the next person from going through the same thing that the person that was there before that's suing went through. So somebody ain't got to take that cruel punishment.

Pam. OK, but in my experience in Illinois, sure I sued the State; I won, you know?

But everybody that I sued still holds their original position or a better position and it hasn't changed anything. There are still people being treated as I have been treated and I hit them in the pocketbook.

Mary. Did you win?

Pam. I won.

Mary. What did you sue them for?

Pam. OK, there was a list of damages like drug abuse; cruel and unusual; not allowing me due process of law like I was railroaded to two institutions, you know? And the caseworker who told me I was going to a boarding school and I ended up in a mental institution, you know. I sued them for * * * it's a whole list; I never read the whole suit because it was so long and so legal that I couldn't understand it, but I do know that I won my suit; they were so glad to settle out of court that it was remarkable.

Mary. But you did settle out of court, right?

Pam. Yeah, I settled out of court.

Mary. OK.

Frank. That's it.

Mary. So that makes a difference because like with my case, it's the only case I know of where we won cruel and unusual for locking up juveniles in isolation and as far as I know, the next time somebody does this, they can refer to my case and I don't think that isolation is going to be used as much anymore because this happened in the Federal court system and I think that that will have a real impact on whether or not people in institutions are going to be so bold as to lock people up in isolation just because they don't know how else to handle them. You know? And I think it is going to have an effect especially if people find out about it and know what they can do because I think—I'm not sure—I think it's a precedence in the court system.

Ms. Moulds. Now that all of you have restored your lives in different ways after your incarceration, would you be willing to help people that were still going through it?

All. Yeah.

Mary. I think some of the finest people I've ever met were people who worked at the youth policy and law center and people who are involved in trying to help youths—lawyers who are involved in it. I think they're doing it just because they care, because I know they don't get paid very much you know, and now I would like to go on to law school and I'm getting some grants and I'd like to continue and then work for people on their civil rights. That's my ambition now.

Ms. Moulds. Anyone else?

Frank. I would like to help people who have gone through the same thing as me; I don't know if I'll do it but I would really like it. I'd get a joy out of helping somebody stay away from what I've gone through.

Ms. Moulds. We all know what reforms need to be made in institutions. What methods do you think should come about to reform them? I mean, how should we reform them?

Frank. That's a hard one. For me at least.

Mary. Yeah, what kind of reform are you talking about?

Ms. Moulds. OK, in institutions, like stopping solitary confinement——

Jeff. Yeah, I think they should cut out solitary confinement; if you get into trouble they should send you to your room or something to secure you, not go and lock you up in a room for a month or a day or something, not knowing when you'll get out, 'cause I don't think that's right for anybody to go in there.

TONY. Instead of locking you up, they can take away other privileges like not letting you go home on a weekend home visit or they can take away your TV time. In an institution, your TV time is the only thing that's really important. 'Cause that's all you can do and if they take away that, they can just take away that instead of putting you in time-out or something.

PAM. What I've been through is to me minor compared to what Frank and Jeff have been through in the box, to Mary like 50 days, sentenced to a confinement room, now this I can't identify with at all. I've been in confinement but basically I knew I'd get out in like 3 or 4 days and it wasn't terrible like so dark that you couldn't see anything or something like that. But from my experience I found that there are some people, you know, and you have to recognize this, some people who can get so upset and so violent that there's no way that you can reach them at a point of time. I've seen people put into their own room, you know, where their bed is, and their clothing and like tear it up, destroy and that's why I feel that to some degree, solitary is needed, you know? But not the cruel and unusual form.

MARY. But you're talking about like a half hour for person's violent. Isn't that right?

PAM. Yeah, I'm not talking about 50 days.

MARY. Right. I just wanted you to clarify that.

PAM. Right. I think this is ridiculous and not knowing when you're going to get out. I think that that's a bad feeling too, which I can't identify with personally so I can understand their views from my own personal experiences. I knew that I wasn't going to be in there 50 days. And I could see, you know, there was light in there and it wasn't as terrible as some of things I've heard in these hearings. Some of these things have even astounded me—which I thought was hard to do. I didn't know in other States they're treated so badly. I didn't.

MS. MOULDS. Did you feel at any time when you were in the institutions that someone really was defending you and standing up for your rights and acting for you personally beside a lawyer?

JEFF. You mean inside the institution, like the staff or someone?

MS. MOULDS. Not on the staff so much as someone from the outside who is contacting you and helping you personally.

JEFF. Someone on the outside?

MS. MOULDS. Or inside—either one.

JEFF. I don't know. Some people inside institutions, some of them do care, but they ain't going to go out of their way and try to get rid of the time-out and stuff like that because they're going to lose their job like that. They'll tell you that they care and stuff, but they can't really do much unless they want to lose their job.

PAM. Like Jeff said, there are people there who seemingly care, but not enough to go out of their way. I've had experience where some people in the institution are on such a power trip, you know, they feel like King George or someone and they really get off on it, you know. I feel like the institution is another world—it's another world completely and you have like no contact—telephone calls are monitored, someone looking down at you to see what you say so you can't hardly say anything. And it's like a world where no one can help you but you and if you can't handle it, you run away. I mean, I never ran away but some people have and I can understand it. I don't think there's anyone there who really cares so much they're gonna stick their neck on the chopping block for inmates or people in the institutions.

Ms. **Moulds**. What do you think motivates a guard or any of the staff members in the institutions to be so cruel? How can they do it?

Pam. Their personality—it just shows.

Frank. It started out right—somebody had to start it but after they started it, you know, if one person does it, the other person ain't gonna feel as bad about doing it if somebody else is doing it, you know? So if everybody is doing it, you can't just point out and say, "He's the scum right there" cause you got scum all over you.

Jeff. I think that the staff that are really cruel, you know, they're not really told to be cruel, but they got the rules that they have to follow and it just looks like they're cruel, because in the center, even nice staff would have to take it out in time-out and if you're pushing them around and stuff they're gonna act cruel to you, but that's because they have to; they have to get you in time-out because that's what the boss says to do, you know?

Pam. I'm talking about a person who irritates them and I've actually seen this, you know? I watch people's eyes a lot and I've actually seen their eyes change and they get like really—I mean like hitting you, like forcing you, you know? And this is within the person, this is their personality showing and that's why I said the staff should be changed, cause you can be surprised how sick some people really are.

Mary. I don't think that all the institutions have staff who are doing things like hitting them physically, but they hurt them in other ways, like locking them up, strapping them down, drugging them, and I think that it's not as much the staff individually, when they first enter the institution, as much as it is the way the institution is set up; because when people go ino a situation where they are in authority, these are the bad guys, you take care of them, and you're not given a good way to do it. I think that it starts to affect the way they think about things, especially these people who have been passing out medication and washing these girls' clothes—8 years and that's all they do: take care of the girls, wash their clothes, give them medication, tell them what to do and watch to see who is doing something wrong. I think it starts to affect the way they think about things, and I think they get very callous to people's feelings. Because there are a lot of troubled people in there, it's just not set up in a way where it can be constructive, and I think the staff get calloused and the kids get a lot worse.

Ms. **Moulds**. Looking back on your experiences during incarceration, do you think you were reformed at all? I mean, do you think that the institution helped you in any way whatsoever change your attitude that you weren't going to commit any criminal offense?

Frank. Well, I could say that it helped me a little bit—not the programs that they had as much as being with the kids that are getting sick of the place. I mean, not getting scared of the place, cause when you get scared, you know, if you say "I don't want to come back here," then you get out and the scare wears out, but if you get sick of it, you know, you start thinking "Hey, this ain't for me no more," you know, "it ain't worth it," you know, and you start talking with the kids that feel the same way and stuff and you feel like going straight. When I was on the run from a place, me and my best friend had a house and we decided that, you know, we would go straight. Since then we've been straight, even though I haven't been out yet. He's been out, he got out and he's straight. So if you've got somebody that you can relate to, that's been through what you've been through and that feels the same way you feel about going straight—not going through the hassles that ain't worth it no more, then it'll help you a lot.

JEFF. I think that institutions will teach you stuff; they'll teach you like PA and all this stuff. It will help you a little bit on how to think out your problems and it will teach you how to think before you do something a little bit. But the most way it helped me—it helped me a little bit that way but in most ways I just got sick of so much stuff you know, you can't take being locked up any longer so you finally get out and you stay out one time. You go through so many programs and then you're out.

PAM. It's funny because the institution that I was in, the last institution, they had nowhere to put me and so finally I decided that I was ready to go.

What I did was exactly what they wanted me to do and it took me only 2 weeks after being the ideal child that set up all the programs that they write up, to get out of the place after I had been there like 3 years. Two weeks of perfect, ideal behavior and I got out.

Ms. MOULDS. Did any of you ever have the idea in your head that suicide * * * I know you did and obviously you didn't commit suicide * * * what gave you the idea that you couldn't; that you shouldn't commit suicide; it just wasn't right for you?

PAM. With me it's because I can't hurt myself. I can't do it. I thought about * * * I can't say that I haven't thought about it you know, I had razor blades at my wrist and I could only hold it like so far and I said, "No, I can't do it." Someone else would have to kill me; I can't do it.

MARY. I didn't think that I wanted to give the staff the satisfaction of saying, "See. She was messed up. Look what she did." I didn't want to give them any satisfaction.

Ms. MOULDS. Do you think that the main purpose of the institution was to inform you or was it more to gain control over you and keep you quiet? Especially in solitary confinement; was its main purpose just to shove her off, she's giving us trouble.

FRANK. I think it's a place where they can send somebody and so they say "Well, we've got this place you know, we're trying to do something with the kids" so they send them to get them out of the community, make it look like they're trying to protect the community, when I think it's only hurting them. Because you go in there and you come out worse. That what I think.

Ms. MOULDS. Do you feel that if a child is put into an institution at a young age for a minor criminal offense and then comes out later totally reformed, will he or she grow up to be the same type of person if he or she was never in an institution?

MARY. How do you mean, if she comes out totally reformed?

Ms. MOULDS. OK. If her life was totally rehabilitated. I mean, she is set in the home, she has a family, she's happy. Do you think that the institution has changed her life in any way?

Mary. I'd say it depends on the institution. Do you mean if she doesn't commit a crime anymore?

Ms. Moulds. Yes, right.

Mary. I don't think that you can judge that. You have to know a lot more about it than to judge it. I don't think that many institutions reform people. If it was an institution that happened to work on a person's problems then it may have, or it could have been just a one shot deal for her.

Pam. And also I feel that in the institutions that I've been in, they're not even set up for reform or rehabilitation at all. You know? There have been institutions where you have like group meetings and things. In the institutions that I've been in this was not the case. And I don't feel that they're set up for reform. They're set up to be a place to get children out of the community. And that's about it—where I've been. I can't speak for any other State. But were I've been they haven't been set up for reform.

Ms. Moulds. While you were in the institution, do you feel that—one of the great harms in solitary is being alone, obviously. Now when you were in groups do you think that that helped you survive the incarceration period? Being with other people.

Frank. In a way, I'm sort of with it and I'm sort of against it, 'cause—you got a group and you got group meetings—when you go in the group, you know—they say the group's the one that's helping you. You bring all your problems up, like I showed so-and-so problem, you know, and bring up the label for it, and you've got that problem out of the way. When you go back outside of group, you're talking behind the staff's back, you're saying that was a sad problem, I didn't even think it was a problem, but you got to go to group, it supports your conning. You learn how to con, but with being in a group, it might take some hard times learning, getting busted up, but after a while you learn how to con pretty good.

Tony. When we had group meetings, we could tell the staff what was wrong and how we wanted to change things in our cottages. Sometimes they agree with it and sometimes they won't. The staff weren't really our group leaders; we picked an individual kid to be a group leader and he would ask us questions, like what would we do in the cottage, and what would we change.

Ms. Moulds. OK, I'm wrapping this roundtable up. Thinking about memories, is there any outstanding thing you'd like to mention or a point you'd like to express.

Pam. There's one thing I'd like to say; I didn't get to say it yesterday, and that's why I was in the State hospital. Everybody in the State hospital didn't need to be there. There was this one person that sticks out in my mind, like all my life so far. This one girl, she was perfectly lucid. One morning she woke up and she was just gone, cracked. She never came back, you know? She woke up one morning thinking she was God. First I thought she was just jiving, you know, but she wasn't; it was for real. She cracked up. That, more than anything, made me say that there's no way they're going to get next to my brain like that. It was just a terrible experience because she was a good friend of mine, to see her go like that.

Ms. Moulds. This convinced you more that you should stay within your own limits and build up your own spirit?

Pam. Possibly so. I know for a fact that once I saw her go, I said to myself, "I'll never go like that." They still have her there to this day, and that was like 9 years ago. She's still there and she's crazy.

Ms. Moulds. Any other comments?

Jeff. I feel that the way they put kids into institutions should be changed because some kids ran away from home because they felt bad once—they got into an argument with their dad the night before, and it can happen to a lot. They take off and they get caught. Then they get put in a group home or something, and of course they're going to run from there, usually, because that's worse than home. Then they get into more and more trouble. I think they should think more about putting kids into institutions; they should let them have more chances before they really put them into bad institutions, 'cause it wrecks them more than it does good.

Frank. I was just going to say that I hope more things can go on like this so people are aware of what's going on inside institutions from the testimonies that are given.

Pam. There's one thing I'd like to say, and that's that I've been totally impressed with the Children's Express staff. You kids are really, really a total trip to me. I've never seen such brilliant, thorough, and competent people in my life, ever.

Ms. Moulds. Thank you on behalf of everyone. Thanks a lot for this roundtable. I think it helps to share your ideas.

APPENDIX

Children as Public Advocates

In Washington, 10- to 13-year-olds conduct public hearings on abuses against incarcerated juveniles

Children's
Express

AGENDA

Tuesday, March 28, 1978

HEARINGS ON THE INCARCERATION OF CHILDREN IN AMERICA

10 a.m.—Opening. Thelma Foster, 16, an editor of Children's Express and Robin Moulds, 13, chief hearing examiner.
10:10—John Rector, Administrator, Federal Office of Juvenile Justice and Delinquency Prevention.
10:20—Kenneth Wooden, Executive Director, National Coalition for Children's Justice; author of "Weeping in the Playtime of Others."
11:00—Mike S. and Tony M., two Indian children, ages 14 and 15. Mike is an Ojibway and Tony is a Sioux.
11:15—Mrs. Patricia Ballanger, executive director of Ah Be No Gee (Young Children), an Indian advocacy organization. Mrs. Ballanger is an Ojibway.
11:30—Dr. Bruce Danto, M.D., psychiatrist and police officer; president-elect of the American Association of Suicidology.
11:50—Larry Dye, Director, Federal Youth Development Bureau.
12:10 p.m.—Panel:
  Professor Patrick Keenan, Urban Law Center, University of Detroit; author of "An Illinois Tragedy: A Study of the Shipment of Illinois Wards to the State of Texas".
  Harry Swanger, staff attorney, National Juvenile Law Center; co-author of "Law Tactics in Juvenile Cases."
  Jerry Miller, director, National Center for Action on Institutions and Alternatives; formerly commissioner of youth for Illinois, Pennsylvania, and Massachusetts.
1:00—Recess.
2:30–4:00—Roundtable discussions among children about the day's testimony; recommendations from children.

Wednesday, March 29, 1978

10 a.m.—Dr. James W. Prescot, Health Science Administrator, National Institute of Child Health and Human Development, NIH.
10:40—Paula W., a child who was incarcerated.
11:00—Louis M. Thrasher, Special Counsel for Litigation, Civil Rights Division, Department of Justice,; formerly Director, Office of Special Litigation Establishing and Protecting the Constitutional Rights of Children and the Mentally and Physically Handicapped.
11:20—Flora Rothman, chairwoman, Justice for Children Task Force, National Council of Jewish Women.
11:30—Dr. Edward Kaufman, Associate Clinical Professor of Psychiatry, University of California; editor in chief of the American Journal of Drug and Alcohol Abuse.
12:00—Two formerly incarcerated children—Minnesota.
12:20 p.m.—Nester Baca, planning manager for Hogares, Inc., a residential care program for adolescents, Albuquerque, N.M.
12:40—Formerly incarcerated child—New Mexico.
1:00—Recess.
2:30–4:00—Roundtable discussions among children about the day's testimony; recommendations from children.

Thursday, March 30, 1978

10 a.m.—Dr. Robert Mendelsohn, professor, Department of Preventive Medicine and Community Health, University of Illinois; author, nationally syndicated column; formerly National Director, Medical Consultation Service, Head Start.
10:20—Thomas O'Connor, executive director, Prison Reform Task Force, New York City.
10:40—Tony C., formerly incarcerated child—Oregon.
11:10—Cathleen Nachtigal, director, Juvenile Law Center, Portland, Oreg.
11:25—Judge Romae Powell, juvenile court judge, Atlanta, Ga.
11:45—Linda Singer, author of "After Conviction" and "Grievance Mechanisms in Juvenile Institutions".

11:55—Formerly incarcerated child—Tucson, Ariz.
12:10 p.m.—Roundtable discussion among hearing examiners; recommendations.
1:00—Recess.
2:30–4:00—Roundtable discussions among children about the day's testimony; recommendations from children.

PRESS BACKGROUNDER: HEARINGS ON INCARCERATED CHILDREN MARCH 28, 29, 30, 1978, AT THE CHILDREN'S EMBASSY, WASHINGTON, D.C.

Subject.—Incarceration of children.

Major Abuses are: (1) Solitary confinement for punishment and controlling behavior; (2) use of Thorazine and other drugs; and (3) Use of physical violence.

The hearings were organized by Robert Clampitt, founder of Children's Express magazine; cosponsors: National Coalition for Children's Justice, the Day Care and Child Development Council of America, and the Children's Cultural Foundation. Hearing examiners, reporters from Children's Express (13 and under). *Briefings, logistics and support services and videotaping by* assistant and associate editors of Children's Express (14–17).

Format.—Adult experts and incarcerated children will testify Tuesday, Wednesday and Thursday from 10:00 to 1:00. From 2:30 to 4:00, there will be open roundtable discussions among children in the audience and Children's Express examiners and reporters. Children will develop their own suggestions for solutions.

Background.—1979 has been declared the International Year of the Child. This must include action by the U.S. Government and by the individual States to protect the constitutional rights of children and to stop the abuse in institutions. The International Year of the Child should include all children.

Results intended.—

(1) Inform the public. The public does not know that children are put in solitary confinement in this country.

(2) Legislative change in States and Congress.

(3) Executive action—President and Governors.

(4) Children's Express will edit a book which will include testimony and children's roundtable discussions of that testimony with their prepared solutions.

(5) Children's Express will produce a videotape of the hearings for use by child advocates.

Funding.—Federal Office of Juvenile Justice and Delinquency Prevention, New Land Foundation, and National Office for Social Responsibility (NOSR).

*Who Is * * *?*

Children's Express, 20 Charles Street, New York, N.Y.; 212-243-4303. Children's Express has done a wide range of investigations involving children in trouble. These have included runaways, abused children, incarcerated children, children in mental institutions, victims of incest, children of alcoholic parents and many others. Emerging from all of this has been a clear conviction on the part of Express reporters and other children that they want to know—have a right to know—about the way our culture treats its children. The hearings represent a new frontier and will show the seriousness and magnitude of the responsibilities children are ready and able to undertake on their own behalf in support of other children. Children's Express magazine expects to begin regular publication in the fall. The magazine published five issues in a national test distributing about 1 million copies throughout the United States and Canada. Children's Express has prepared a book called "Listen To Us!" In it Children talk about divorce, alcoholic parents, sex, religion, school, children's rights, runaways, etc. As of November 1980. Children's Express will be a syndicated newspaper column in newspapers all across the country.

Children's Embassy/Day Care and Child Development Council of America, 711 14th Street NW. Washington, D.C.; 202-638-2316. The Children's Embassy is a newly established advocacy organization. It has been created by the Day Care and Child Development Council of America and is administered by the council's executive director, Jan Yocum. The Embassy is developing an information program for Federal, administrative and legislative programs and will provide council members and others with such information. The Embassy will also provide technical assistance to council members on advocacy matters.

National Coalition for Children's Justice, 1214 Evergreen Rd., Yardley, Pa. 19067, 215-295-4236. The National Coalition for Children's Justice is a nonprofit organization dedicated to improving the conditions of the 1 million children confined each year in our nation's jails, reformatories, mental hospitals and residential treatment facilities. It is the creation of Kenneth Wooden, author of "Weeping in the Playtime of Others" (McGraw-Hill), a nationally known child advocate. The goal is to develop permanent coalitions of citizen advocates in various States—coalitions which will assume responsibility for monitoring and upgrading of conditions children endure at the hands of our juvenile justice and child welfare systems.

The Children's Cultural Foundation, 225 Central Park West, Suite 801, New York, N.Y. 10024.

Press representatives.—Joan Worden and Jim LeMonn.

Contacts for further information.—Robert Clampitt, founder, Children's Express; Jan Yocum, director Children's Embassy; Dorriet Kavanaugh, cofounder of Children's Express; Michael Schreibman, 16, creator of assistant editor function in Children's Express; Greg Aull, 17, Children's Express associate editor, head of videotape team; and all other members of the Children's Express team.

NATIONAL HEARINGS ON INCARCERATED CHILDREN[1]

In early spring this year, nine reporters from Children's Express Magazine conducted hearings in Washington, D.C. on the subject of America's Incarcerated Children. During three days of Hearings, the examiners, who ranged in age from 10 to 13, called twenty-five expert witnesses including doctors, public officials, psychiatrists, child advocates, researchers, and formerly incarcerated children. The witnesses came from many parts of the country to testify about the extensive use of solitary confinement, drugs and violence in controlling the behavior of institutionalized children.

The purposes of the hearings were to inform the public and to stimulate legislative change, particularly in the states. The hearings were widely covered. Public television covered them live and all three networks reported on them. They were also widely covered on radio and in newspapers throughout the country. It now appears that Children's Express will conduct similar hearings in a number of states, aimed directly at state legislative change.

The hearings produced extraordinarily shocking testimony. Most institutionalized children have never been charged with crimes or offenses, yet they are subject to involuntary detention and often treated like adult felons. Psychiatrists testified about the irreparable damage done to children by abuses like solitary confinement; doctors described the dangers of inappropriate use of drugs; and formerly incarcerated children described treatment that most of us associate only with brutal totalitarian states.

One early result of the hearings was a commitment by John Rector, Administrator of the Office of Juvenile Justice and Delinquency Prevention, made in the course of his testimony:

"I'm proud to be associated with your landmark hearings. We plan to incorporate the findings of your hearings—this one and additional ones that you will hold—into the activities of our Office to help guide our programmatic efforts, and we intend to include the findings and your recommendations in our efforts to work with other Cabinet members, through the Delinquency and Juvenile Justice Council, of which I am the Vice Chairperson. And we will use your recommendations and your findings, to which I can personally vouch I'll have a special sensitivity, to help bring to the attention of the Cabinet members, including the Department of Justice, the kinds of policies and practices that lead to the abuse that you're stressing today."

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[1] Welcome to this preview showing of the video-tape of the National Hearings on Incarcerated Children, which were conducted in Washington, D.C. at the Children's Embassy of the Day Care and Child Development Council of America on March 28-30, 1978 (see attached).

This event received extensive media coverage. Attached is one of the many newspaper articles describing the Hearings.

The Hearings were funded by the Office of Juvenile Justice and Delinquency Prevention through a grant from the National Office of Social Responsibility and by a grant from the New Land Foundation. Participating sponsors also included the National Coalition for Children's Justice and the Children's Cultural Foundation.

The Hearings were the result of six months of planning and represented a collaboration among Children's Express and three sponsoring organizations—the Children's Embassy of the Day Care and Child Development Council of America, the National Coalition for Children's Justice and the Children's Cultural Foundation. Funding came from the Office of Juvenile Justice and Delinquency Prevention through a grant by the National Office of Social Responsibility and from a grant by the New Land Foundation of New York City.

The young hearing examiners were backed up by a team of ten teenage (14–17) associate and assistant editors of the Children's Express. Six of the teenagers handled all of the videotape preparations and then taped the entire three days of Hearings with broadcast-quality equipment. The other four teenage editors ran training sessions for the hearing examiners for six weeks in advance of the Hearings and handled logistics during the Hearings.

In preparation for the Hearings, the examiners read a substantial body of material including "Weeping in the Playtime of Others" by Kenneth Wooden, "Children in Adult Jails," a report by the Children's Defense Fund, excerpts from testimony before Senator Birch Bayh's sub-committee of the Judiciary (1970, 1974, 1977), etc. They met each week—sometimes two or three times—for issue analysis, role-plays and for interviews with experts on both substance and procedure.

All of the hearing examiners had worked on Children's Express Magazine and had participated in shaping the direction of the magazine toward advocacy articles. In fact, the Hearings emerged from an article that was being prepared on the incarceration of children and from an interview with Kenneth Wooden of the National Coalition for Children's Justice. The magazine had previously run articles on children in mental institutions and children in group homes.

Robin Moulds, the 13-year-old chairperson, opened the Hearings with this statement:

"Over the past few months, Children's Express has been doing investigative research on children's penal and mental institutions of the United States. We have found very shocking evidence of the degrading and inhuman abuses practiced in these institutions, such as solitary confinement for extended periods of time, drug abuse and physical brutality. The Constitution establishes rights for all people, and this is certainly a violation of children's rights. The main purpose of these Hearings is to inform the public of American institutions' cruel treatment of our society and to make legislative change to stop this."

During the three days of testimony, Robin and the other examiners conducted an extensive and informed examination of all of the witnesses. Their careful preparation made possible a real illumination of the subject matter—especially in the questioning of the formerly incarcerated children.

After each day's testimony, Children's Express editors led roundtable discussions among children who attended the Hearings. In this way a remarkable dialogue was developed among children who were being exposed to the information for the first time.

To further supplement the testimony of witnesses during the week of the Hearings, Children's Express reporters interviewed Senators Birch Bayh and Richard Schweiker, Judge Harold Greene, Douglas Besharor, Director of the Center on Child Abuse and Neglect, and Bill Pierce of the Child Welfare League.

The Hearings on Incarceration have stimulated a great deal of discussion on the role of the child in the International Year of the Child. A video-tape of the Hearings will be shown at a major international psychiatric conference in Australia, which will be exploring the role of the child in a changing world, and future Hearings appear likely to be adopted by the United States project on IYC.

As plans go forward on Future Hearings, two priorities have emerged. The first is to focus intensively on solutions while continuing to explore the problems of incarceration. The other is to enlarge on the existing collaboration with advocacy groups so that there will be clear and determined follow-up in support of public awareness and legislative change.

Children's Express long ago established the role children have to play in advocacy. The Hearings in Washington represent a new frontier and show the seriousness and magnitude of the responsibilities children are ready and able to undertake on their own behalf and in support of other children.

[From the Children's Express, the Magazine Written by Children]

Democratic and Republican Conventions—Children's Express Program

Children's Express proposes to cover the Democratic and Republican National Conventions in New York City and Detroit. Two newspapers will be published and distributed at each convention. Reporting will focus on issues surrounding the lives of American children, e.g., levels of education funding, health services, incarceration, constitutional rights, etc.

Several schools will collaborate, some public and some private, in the selection of Children's Express (CE) reporters and in the program. Together with classroom teachers, CE will identify a group of about 24 children, ages 13 and under, who will be reporters for both conventions. Twelve teen editors will be selected to work with younger reporters. This mix will produce eight teams plus team administration.

In late April reporters and editors will begin briefing and work sessions leading up to convention week. The following is an outline of the proposed work program.

1. *In-school preparation.* Class projects will include the identification, study and discussion of issues related to childhood. A whole class may become involved in preparing and supporting the reporters—an educational experience for all.

2. *Expert briefing sessions.* All reporters and editors will meet regularly for briefing sessions with experts on children's issues, including House and Senate legislative experts, child advocates, researchers, political figures with a commitment to children and others. These sessions will be summarized for reporters' and editors' notebooks.

3. *Newspaper clipping service.* All reporters and editors must be knowledgeable about current events. They will be provided with a newspapers and magazine clipping service to that end. General information on all major issues will be provided, although the focus will be on children's issues.

4. *Summer preparation.* Seminars and briefing sessions will intensify in June. At the same time, reporters and editors will start a series of pre-convention interviews that will add to their background information, produce material for the first convention newspapers, and generally prepare them for the conventions.

5. *Pre-convention.* Beginning in Madison Square Garden prior to the Democratic Convention, reporters will talk to national media people, e.g., Bill Moyers, Walter Cronkite, Roger Mudd, etc., to advance their understanding of the convention issues and to further develop reportorial material.

6. *Convention coverage.* At the convention, the eight CE news teams will fan out to cover all major news conferences and to conduct interviews with political leaders, analysts and seasoned observers of the political process. Throughout the convention they will focus on issues most affecting children but will not be limited to those issues.

7. *Children's Express newspapers.* During convention week CE editors will lead reporters in roundtable discussions concerning specific interviews as well as their general experiences. At the conventions, teams of transcribers and editors will distill the material produced by the CE team and prepare it for publication in the CE newspaper and elsewhere. CE newspapers will be widely distributed at the conventions.

[From the Denver Post, Mar. 3, 1978]

Dollar-Tracer Places Blame for Children "in Hellholes"

WASHINGTON.—(UPI)—Law professor Patrick Kennan held up a dollar bill and put a big "F" on it with a blue felt-tip marker.

"Now watch this. I can hand it over to Harry Swanger there and he can hand it to Jerry Miller. And you can watch it and trace it, because it is marked. That is the nature of federal dollars. They can be traced."

Keenan was talking about abuse of children as well as abuse of dollars, and the illustration was relevant to both.

Keenan, a law professor at the University of Detroit, was a witness Tuesday at a hearing sponsored by children's groups to explore the problems of youngsters who get into trouble.

Swanger, who is with the National Juvenile Law Center in St. Louis, and Miller, director of the National Center for Action on Institutions and Alternatives, also testified.

Most witnesses talked about the solitary confinement, physical abuse, isolation and use of drugs that juveniles often suffer in institutions.

But Kennan said to forget about those things.

Trace the dollars, he said. Watch the money.

"Federal money goes to maintain children in these hellholes," he explained, "Maybe the fault does not lie just with the guy with the handcuffs and the keys. Maybe it's the guy back there on Capitol Hill. Maybe it's the guy in the White House."

If anyone wants to end abuses of incarcerated children, he can do it by tracing the money, controlling the money, threatening to cut the money, Keenan said.

Federal money goes to institutions for such things as educating the retarded, training youngsters with learning disabilities or teaching the emotionally disturbed.

Witness Kenneth Wooden, an author and consultant who has studied juvenile institutions, said youngsters with those disabilities, as well as mere runaways or children who violate "status" laws—crimes that aren't crimes after a certain age—often wind up incarcerated with potentially violent and criminal young people.

If the law required auditing and strict accountability of that money, Wooden said, the homes would really have to be educating or caring for the youngsters.

And more institutions would differentiate between the "status offenders" who may have done nothing more serious than avoided school or bought liquor, and the criminal offenders, he said.

The hearings were organized by Children's Express magazine, a publication mostly run by children.

Each witness was questioned by "hearing examiners" ages 10 to 16, before television cameras operated in part by children, and with an audience that included several young reporters from the magazine.

[From the UPI Daybook, Mar. 29 and 30, 1978]

INCARCERATED AND ABUSED CHILDREN

(Witnesses to include previously incarcerated children, lawyers, doctors, authors and government officials.)

(By the Children's Cultural Foundation and Children's Express)

JUVENILE INSTITUTIONS

[By William Clayton]

WASHINGTON (UPI)—Youngsters in juvenile homes often suffer solitary confinement, corporal punishment, harsh treatment or even the "20th century straitjacket"—drugs—witnesses told a hearing today.

The remarks were at the first of a series of hearings organized by Children's Express magazine and three organizations dealing with issues affecting youth.

The hearings, held at the office of the Day Care and Child Development Council of America, were set up to call attention to practices in juvenile detention and to boost legislation to change them.

Each witness was questioned by "hearing examiners" aged 10 to 16, before television cameras operated in part by children, and an audience including several young reporters from the magazine.

Harry Swanger of the National Juvenile Law Center in St. Louis, told the hearing, "Corporal punishment is a way of life in juvenile institutions. The use of drugs, the use of mace (a crowd control spray), are a general thing. There are strip cells and so on. There is a pattern emerging of massive serious violations of kids' rights."

Law Professor Patrick Keenan of the University of Detroit said many institutions use drugs on youngsters to calm them or isolate them.

"That's the 20th-century straitjacket," he said. "Anybody who administers drugs that way for other than the medical interest of the child, has committed two crimes: aggravated assault and medical malpractice."

He said prosecutors should file more cases against such practices—"We do not need new laws for that; the laws are there."

Kenneth Wooden, author and consultant who has studied children's detention homes, said solitary confinement "is widely used in juvenile penal institutions throughout the United States. Just about every facility I have visited in 30 States has some form of punitive isolation for those children who break rules or are otherwise troublesome."

The practice should be made a felony and should be done away with, Wooden said. Yet juvenile authorities consider solitary "their ace in the hole for controlling kids," he said.

John Rector, Administrator of the Federal Office of Juvenile Justice and Delinquency Prevention, told the hearing President Carter is committed to trying to end abuse of children and reform of the juvenile justice system.

"Detention and incarceration should be reserved for the few who commit serious or particularly violent offenses," Rector said.

Law professor Patrick Keenan held up a dollar bill and put a big "F" on it with a blue felt-tip marker.

"Now watch this. I can hand it over to Harry Swanger there and he can hand it to Jerry Miller, and you can watch it and trace it, because it is marked. That is the nature of Federal dollars. They can be traced."

Keenan was talking about abuse of children as well as abuse of dollars, and the illustration was relevant to both.

Keenan, a law professor at the University of Detroit, was a witness yesterday at a hearing sponsored by children's groups to explore the problems of youngsters who get into trouble.

Swanger, with the National Juvenile Law Center in St. Louis, and Miller, director of the National Center for Action on Institutions and Alternatives, also testified.

Mostly, witnesses talked about the solitary confinement, physical abuse, isolation and use of drugs that juveniles often suffer in institutions.

But Keenan said to forget about those things. Trace the dollars, he said. Watch the money. "Federal money goes to maintain children in these hellholes," he explained. "Maybe the fault does not lie just with the guy with the handcuffs and keys. Maybe it's the guy back there on Capitol Hill. Maybe it's the guy in the White House."

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The hearings were organized by Children's Express magazine, a publication mostly run by children, which has had some test distribution and plans regular publication this year from its New York headquarters.

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Each witness was questioned by "hearing examiners" aged 10 to 16, before television cameras operated in part by children, and with an audience that included several young reporters from the magazine.

The United States emphasizes human rights abroad, but everyone from the President down should turn attention to U.S. institutions' "violations of the legal, moral and personal rights of our children," Senator George McGovern, Democrat, South Carolina, said today.

McGovern testified at a hearing into children's incarceration, sponsored by children's groups and Children's Express magazine.

The magazine, headquartered in New York, has had some experimental distribution and plans regular publication later this year. The hearings, which opened Tuesday, were at the office of the Day Care and Child Development Council.

Looking up from his witness' seat at the "Hearing Examiners" aged 10 to 13 sitting at a table on a raised platform, McGovern said, "It is ironic that in the U.S. Senate, of which I am a Member, we frequently cut off money to countries that violate human rights, and continue to provide millions of dollars to institutions that continue to violate human rights of children.

"It is a tragedy that no American can live with that there are serious human rights violations in our country, not the least of them violations of the legal, moral, and personal rights of our children," he said.

The chief hearing examiner, Robin Moulds of New York City, asked McGovern where the fault lies.

"It is the fault of everyone from the President on down," McGovern said, adding that laws should be passed to monitoring treatment of children in institutions, so that "minimum standards of decency" are maintained.

One child who testified earlier, identified only as "Mary N.," said, "I just curled up in my bed and was kind of in a stupor for a few days . . . when I was locked up, I fantasized about suicide all the time. I wished I could go into a coma."

McGovern said, "I cannot think of any circumstance under which a child ought to be put in solitary. I think it is a barbaric practice. Most of these children are in need of more counseling, in need of more human contact, not less."

Dr. Robert Mendelsohn, of the University of Illinois, said the real problem with youngsters in trouble is that they are part of a pattern of isolation that starts at birth. " 'isolation' is the key word," said Mendelsohn.

Infants are isolated from their mothers at birth, children are isolated when they have medical treatment, mothers most often formula-feed their babies, and at every step, the youngsters are isolated, he said.

"How can we turn this around?" he said. "There is no point in looking at solutions that do not work. I do not look at drugs. I do not look at professionals.

"The answer will not come from psychologists, pediatricians, schoolteachers, psychiatrists, or nurses. Professionals are usually the problem."

People who run homes for children, Mendelsohn said, need to be picked for qualities of closeness and caring.

[From the Detroit News, Mar. 29, 1978]

HARSH TREATMENT CALLED WAY OF LIFE IN JUVENILE HOMES

WASHINGTON.—(UPI)—Youngsters in juvenile homes often suffer solitary confinement, corporal punishment, harsh treatment or even the "20th century straitjacket"—drugs, witnesses told a hearing yesterday.

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"Just about every facility I have visited in 30 states has some form of punitive isolation for those children who break rules or are otherwise troublesome," he said.

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[From the Sun, Baltimore, Md., Mar. 29, 1978]

Witnesses Describe Abuse, Beatings in Reformatories

(By Lynne Olson)

WASHINGTON.—Mike, a 15-year-old Indian youth who has sepnt more than one-third of his life in reform school, was matter-of-fact as he described the beatings, drugs, gassing and solitary confinement he and other young reformatory inmates experienced.

"I've been beaten by the staff. I've been handcuffed and chained to my bed for acting up," the boy, his black hair falling below his shoulders, calmly said yesterday. "They took my clothes away and put me in solitary confinement in a little cell, like a jail. I've seen kids tear-gassed."

Anthony, a 14-year-old who was confined in the same Minnesota institution, was sent there for truancy and for driving without a license. He recalled seeing a boy thrown on the floor by other inmates, who then "used his head as a mop."

Mike and Anthony joined psychiatrists, government officials, law enforcement officers and other experts yesterday in an attempt to call attention to the conditions of the estimated million children incarcerated annually in American jails, reformatories, mental hospitals and detention homes.

One by one, they told at a hearing of neglect, sexual abuse, the use of drugs and solitary confinement to keep youngsters under control, and frequent inmate suicides.

"Corporal punishment is a way of life in juvenile institutions," said Harry Swanger, of the National Juvenile Center in St. Louis. "The use of drugs, the use of Mace are a general thing. There is a pattern emerging of massive, serious violations of kids' rights."

The hearing, organized by Children's Express magazine and three national organizations dealing with youth issues, was held in the office of the Day Care and Child Development Council of America. The witnesses were questioned by "hearing examiners," all 13 years of age and under.

Most youngsters who are sent to institutions should not be there in the first place, said John Rector, administrator of the Justice Department's Office of Juvenile Justice and Delinquency Prevention.

"Detention and incarceration should be reserved for the few children who commit serious offenses," he said. "The juvenile justice system in this country is basically a failure because it doesn't discriminate among types of actions."

In fact, he said, children who are not lawbreakers but status offenders—truants, runaways, "incorrigibles"—are more likely to be institutionalized and put in solitary confinement that those convicted of crimes.

Later, in an interview, Mr. Rector said, "Some institutions of course, are better than others. But most of them are overloaded with kids who shouldn't be there. And when institutions don't have enough staff to cope with the children, they often use inappropriate methods, like drugs or isolations, to control them."

J. Kenneth Wodden, an author an consultant who has studied children's detention homes for six years, reported that virtually every facility he has visited in 30 states "has some form of punitive isolation for those children who break rules or are otherwise troublesome."

But that practice and other methods of abuse will probably continue, he said, because of the "politics of indifference—from the White House to the local county organizations. Kids don't vote. Those who are powerless are the most abused."

After the hearing, 10-year-old Mara Lozier, one of the questioners, indignantly echoed the sentiments of Mr. Wooden:

"I think its really unfair that people can't get away with doing those awful things to adults, but they can do them to children," the girl told a reporter "I wish people would realize we have rights, too."

[From the Washington Post, Mar. 30, 1978]

IN SOLITARY: THE LOST CHILDHOOD OF JOANNE W.

YOUTH PANEL PROBES JUVENILE CONFINEMENT

(By Donnie Radcliffe and Jacqueline Trescott)

On the walls were black and white blow-ups of children—one looking through prison bars, another huddled in a prison cell, and a third stretching his arms out through the cell peephole. At a table in front of the photographs sat five children, all reporters from the Children's Express, a New York-based publication, who convened in Washington for three days of hearings on incarcerated children.

A few feet away, sitting at the green-felt-draped witness table and facing a battery of television cameras, was Joanne W., a 21-year-old Illinois woman who as a child had been institutionalized for seven years. She was testifying about her first-hand experience in foster homes, a mental hospital and reform school, but particularly her 58 days in solitary confinement. Joanne W. twice was tied onto a bed and severely drugged.

"What did you lose in life from being incarcerated?" asked Robin Moulds, a 13-year-old student at New York's exclusive Chapin School, and the moderator of the hearings. "I lost out on my whole childhood and never going to a regular school," said Joanne W., her voice never changing from a matter-of-fact monotone.

Though the adolescent questioners and the witnesses came from different ends of the American experience, their youth provided them some common ground in understanding the situations of the 100,000 children who are estimated to inhabit public institutions on any given day in the United States.

"How would you define an institution?" Moulds asked Joanne W. "It's a place to throw away people they don't want to bother with anymore," was the reply.

During the questioning Moulds appeared impassive, and later she explained that she was aiming for a judge-like posture. "But at times I have felt like crying. It hurt that I could be part of a society that could do these things, the horrors of solitary confinement, the forced drugs," said Moulds.

Her Park Avenue background (and the representatives of Children's Express ranged from low-income to the upper-class) didn't create a distance with the witnesses, she added. "I don't think we have ever thought of being different. We are all kids, just the feeling of being alone, being isolated in solitary, is something every teenager has felt."

One adult witness testified that in a 30-state survey of juvenile penal institutions, he found "some form of punitive isolation was used for children who break rules or otherwise cause problems." The practice, he says, often hides behind such euphemisms as "Quiet Room," "Mediation," "Time Out," "Restraints."

At times during the testimony, now in its third day at the downtown storefront headquarters of Day Care and Child Development Council of America, gasps were heard from the speculators, some of them vacationing schoolchildren.

Joanne W. is not her real name but it is one she prefers to use. She is overweight, her smile tentative. She also is strong-minded and gifted, and as a child tested out with an intelligence quotient of 140.

Her mother was single, sometimes on public aid, sometimes doing clerical work, and aware of Joanne's potential. Advised by social workers that if Joanne were made a ward of the juvenile court she would be sent to a boarding school and given proper education, the mother agreed.

But it never quite worked out that way. After two days in boarding school—"the only black face in a sea of white faces," says her lawyer—she was called unruly, shipped off on a melancholy seven-year odyssey of foster homes, detention homes, a mental institution and a training school.

"The first time I was tied up, the first time was when they titled me as a bully," Joanne W. recalled.

Toward the end of her detention, she came to the attention of a Chicago attorney with the Legal Aid Society, Patrick Murphy, who used the civil rights laws to sue the Illinois Departments of Mental Health and Children and Family Services for unwarranted and excessive treatment of Joanne W. in her 58 days of solitary confinement.

Kenneth P. Wooden, executive director of the National Coalition for Children's Justice describes "typical" conditions of solitary confinement: "The rooms are dirty, damp, vermin-infested and vile-smelling."

He says forced, isolated confinement can, upon occasion, have a devastating effect on the mind and body, impairing vision, coordination and hearing.

Joanne W.'s case was initially thrown out by the lower court but on appeal the higher court ruled the contrary. The state settled out of court, giving Joanne W. $25,000. "Joanne came out of it pretty well," said Murphy. "She's bright, strong, with tremendous potential. There are worse cases, believe me."

"I guess," says Joanne W., "that I miss most the childhood I never had. If I can do something to help others like me, well, maybe that's good."

Every penny of Joanne W.'s $25,000 is gone today, spent by her in a year-long spree of going places (California three times) and buying things (a jukebox, a pinball machine, a stereo set, some glass dishes) she had never had a chance to own before.

The White House already has announced a national conference on children to be held here next year in the context of the Year of the Child.

That's one of the reasons Children's Express (which scooped everybody at the 1976 Democratic National Convention by reporting Walter Mondale's selection as vice president) has been investigating runaways, abused children, the children of alcoholic parents and victims of incest.

This week's hearings were called to inform the public, and hopefully influence state legislatures and national politicians, to change laws that permit solitary confinement. They were patterned after regular congressional hearings, with witnesses bringing films, drawings of prison cells and statistics. But it was the fact that they were convened by children (guided by Kenneth Wooden) that attracted the major media, including a live telecast by WETA (Channel 26) as well as congressional interest. Sen. George McGovern (D-S.D.) is scheduled to speak at this morning's concluding hearings.

Joanne W. said she spent a long period of solitary confinement, tied to a bed in spread-eagle fashion, after she struck an attendant.

"They tied me up and administered shots (Thorazine) and I was in restraints that time for about 30 days," she said, as the questioners took notes and watched the impassive look on her face.

What was it like? asked one.

"It became a matter of life. Sometimes I would have dreams and pretend I was somewhere else," Joanne W. replied. "It wasn't fantasy. It just occupied my time."

[From the Post-Tribune, Gary, Ind.]

KIDS' PANEL STUDIES JUVENILE DETENTION

(By Patricia O'Brien)

WASHINGTON.—For three days they ignored Washington's spring weather, sitting behind a long green table at the Children's Embassy, a daycare facility bright with wall murals, picture books and Raggedy Ann dolls—listening to horror stories.

Behind them were photographic blow-ups of children in mental institutions. In front of them was an impressive array of national juvenile detention experts.

They heard about the abuse of isolation cells, over-dosing with drugs, beatings and homosexual rapes. They fired off question after question, their attention rarely waivering.

"What is happening in institutions incarcerating children is a national disgrace," declared the chief hearing examiner at one point.

None of this is necessarily unusual. Hearings are held all the time in Washington on social problems. But this one was different, because not one of the hearing examiners at that green table was more than 13 years old.

"We studied hard for this," said Quin Bakaty, 11, of New York City. Dressed in neatly pressed pants and a tie, Bakety presented an earnest picture of dedication—even while blowing up a pink balloon. "We need some diversion," he said.

Bakaty and 21 other New York children, all reporters for Children's Express Magazine, spent two months preparing for the hearings, which were co-sponsored by the National Coalition for Children's Justice (NCCJ) and the Day Care and Child Development Council of America.

"These kids absorb material like sponges," said Robert Clampitt, founder of the magazine and an attorney. "They read, they become good interviewers. They are astonishingly well-informed. Most kids, I believe, are dying to do something responsible, and they are."

Clampitt said the idea for having children conduct the hearings, which were televised locally, came through talks with the founder of NCCJ, author Kenneth P. Wooden, an ardent advocate of juvenile detention reform.

"The children read his book ('Weeping In the Playtime Of Others'), plus all the material we could get our hands on," said Clampitt. "They're very interested in the plight of kids confined in institutions. They've all done advocacy reporting for our magazine."

Children's Express first came to national attention during the Democratic National Convention, when Clampitt's determined neophyte reporters managed to write relatively decent stories—something scooping the adults. "Politicians said incredible things," said Clampitt with satisfaction. "They weren't on guard, and they talked too much. We got terrific stuff. Once that dynamic was there, the kids became interested in many substantive issues."

In preparing for the hearings here, the boys and girls, some as young as 10, met each week to review the material they were reading and talk about it among themselves. They held mock hearings, taking turns role-playing "witness" and "examiner." Clampitt and Wooden brought in experts, including an ex-prison inmate, to brief them further.

"What I've been learning really blows my mind," said Charles Hollings, 12, a chubby-faced boy with a short-cropped Afro. "I used to figure kids who were put in institutions had done something bad, and they should be punished. What we've learned is weird."

[From the New York Times, Apr. 1, 1978]

Children Cross-Examine Children About Incarceration

(By Karen De Witt)

Washington, March 30.—It looked like a Congressional hearing: Under klieg lights and television's eye, witnesses and panel members fired questions and answers back and forth.

What was your attitude toward the guards? What was your attitude toward society after your incarceration? Did you feel you indeed belonged in an institution? What was solitary like?

Adultlike questions followed by adultlike answers came from youthful lips during three days of hearings here this week on incarcerated children. Held at the Children's Embassy of the Day Care and Child Development Council of America, the hearings were sponsored by the Children's Express, a New York-based publication for youngsters, with to focus on the plight of the country's estimated 100,000 incarcerated children. Testimony was given by adult experts and the youths themselves.

The panel was made up of 9-to-13-year-old staff members of Children's Express, and though their queries seemed judicious and dispassionate the 13-year-old panel moderator, Robin Moulds, from New York's Chapin School, said afterward, "At times I felt like crying."

Like the vast majority of children who end up in public institutions, the witnesses were mostly status offenders who had committed no crimes. A status offense is a minor infraction such as running away from unfavorable family situations, truancy or incorrigibility. For such offenses, some youngsters end up being drugged, restrained, housed in small, unsanitary rooms or in solitary confinement, and treated like criminals in prison.

HER SEVEN-YEAR ORDEAL

A 21-year-old black woman who called herself Joanne W. cooly chronicled her seven-year journey through foster homes, detention homes, a mental institution and a training school. "I never tried to escape or entertained the thought of running away," she said. "I had nowhere to go." When Joanne was 10 years old, her mother, who was single, was advised by social workers that Joanne would get a proper education if she were made a ward of the state of Illinois. Instead, she was shipped from place to place and marked as a bully. She was drugged and put in solitary confinement before a Chicago lawyer with the Legal Aid Society learned about her.

The lawyer, Patrick Murphy, sued the Illinois Department of Mental Health and Children and Family Services for unwarranted an excessive treatment of Joanne W. She ended up with $25,000 in an out-of-court state settlement.

Similarly, Mary Nason, an 18-year-old from Janesville, Wis., found herself in public institutions for shoplifting when she was 14. She was first sent to a psychiatric hospital for five months, and when released she ran away from home and lived on a farm. Returning home on her 16th birthday, she was turned in to the police as a runaway by her older brother.

"He thought it was for the best," she said mildly. She was put in a reform school for girls, many of whom she said were prostitutes and muggers. After five months, a social worker placed her in a group home. She ran away again, worked as a waitress and started taking drugs, but decided she didn't want that kind of life.

She tried living with an older sister, but was ousted when her sister objected to her puppy. Back in a reform school, she was put into solitary confinement for 30 days for trying to escape.

Like Joanne W., Miss Nason's situation was brought to the attention of a lawyer, Thomas E. Dixon, of the Youth Policy and Law Center Inc., in Madison, Wis. They are currently suing the state institutions.

There is no formal structure for bringing public attention to these cases. They are usually discovered by social workers or visitors who report what they've seen. One of the things proposed at the hearings was a public review process.

Witnesses at the hearings said that 75 percent of the girls incarcerated were status offenders. The statistics are similar for boys. Between 5 and 10 percent of the children incarcerated are violent or have committed a criminal offense.

An adult witness, Kenneth Wooden, author of "Weeping in the Playtime of Others: America's Incarcerated Children," testified that many institutions have isolation rooms for recalcitrant children which are not much more than cells with euphemistic names: "Quiet Room," "Time Out" or "The Blue Room."

A typical isolation area had been constructed in the corner of the hearing room: it was a box, six feet high and five feet wide, with six-and-a-half-inch walls and covered windows. Only through peep holes in the windows and doors could someone inside see out.

MANY COMMIT SUICIDE

The treatment of incarcerated children often leads to their suicide, according to another adult witness, Dr. Bruce Danto, a psychiatrist and police officer.

"The very things that give rise to high suicide in children outside institutions—isolation, feelings of inadequacy and worthlessness—are duplicated in institutional settings," he said.

Drugs are also used on children to calm them or isolate them, said Patrick Kennan, a law professor at the University of Detroit. "That's the 20th century straitjacket. Anybody who administers drugs that way for other than the medical interest of the child has committed two crimes: aggravated assault and medical malpractice."

On the final day of the hearings, Senator George McGovern, Democrat of South Dakota, noted the irony of cutting off money to countries that violate human rights while continuing "to provide millions of dollars to institutions that continue to violate human rights of children."

From the three days of hearings and often dramatic testimony, Robert Clampitt, the adult founder of Children's Express, said that the publication hoped to inform the public of the treatment of incarcerated children and get legislative changes in Congress and the states.

While their youth provided the common ground for witnesses and hearing examiners, there was no doubt about the gap in the childhood experiences of the incarcerated and the Children's Express team.

When one witness told of being punished by having to scrub floors with a toothbrush and walking up and down stairs with arms in the air until "the matron got tired of watching you," a young examiner asked, "Didn't you tell your mother?"

[From the Washington Star, Apr. 2, 1978]

CHILDREN'S EXPRESS: A PUBLIC FORUM FOR THE YOUNG FOLKS

(By Randy Sue Coburn)

The book cases at the Day Care and Child Development Council on 14th Street are filled with volumes such as "What Can I Do Now, Mommy?" But the children there, last week, were interested in other questions.

Questions about the physical abuse and the solitary confinement and the thorazine doses given to many children in some of America's juvenile corrective institutions.

In succinct terms, the question was: What to do about incarcerated children?

The questioners: youthful staff members of a publication called the Children's Express. You've heard of Children's Express: It's the kid's magazine that scooped adults covering the Democratic convention of 1976 by being the first to reveal the selection of Walter Mondale as Jimmy Carter's running mate. And, yes, Children's Express is still around, a new kind of children's advocacy journalism.

It's a professional-looking little magazine, based in New York. Five editions of it have been printed in the past few years. Next fall, the plan is to go monthly at 60 cents a copy, heralding the arrival of the International Year of the Child.

And dentists, take note: Children are bored by "Highlights," the publication for them that you seem to order as perfunctorily as the drills. Children's Express reporters say so. That's one reason why my friends are excited about the magazine," says reporter Debbie Oestreicher. Debbie is 13.

Since the Mondale scoop, Children's Express has been getting a lot of attention.

That's partly why several formerly incarcerated children—most of them complainants in court cases against the institutions that once confined them—showed up from points across the country for Children's Express hearings at the Day Care and Child Development Council this week. (So did adults professionally concerned with the issue, including Sen. George McGovern.)

According to Children's Express founder Robert Clampitt, one of the publication's biggest edges is that it insists reporters must be 13 years old or less. "I don't think a professional reporter would have ever gotten (Nelson) Rockefeller to admit he'd been outsmarted by Bo Calloway. Adults tend to talk too much, to turn into pedagogues when they talk to children. Suddenly, they're saying too much for their own good."

The core of Children's Express is about 30 children from New York-area schools, both private and public. But another couple of hundred children around the country have done work for Children's Express. And almost 2,000 of them contributed to the upcoming book, "Listen to Us," in which they discuss topics like divorce, alcoholic parents, sex, religion, schools, and runaways—as well as children's rights concerning all of the above.

"It's a natural metamorphosis for us to move into advocacy issues," says Clampitt, a 50-year-old former Wall Street lawyer of independent wealth and a gentle way with children who once helped organize the Head Start program.

This week's hearings, co-sponsored by the National Coalition for Children's Justice, The Day Care and Child Development Council of America and the Children's Cultural Foundation, were also organized by Clampitt.

The Children's Express' Washington expenses, which included rented video equipment, were supported by three different foundations.

Their advocacy now will take the form of a book about the hearings, and video tapes of the proceedings for "use by child advocates."

Clampitt says children aren't especially interested in the drawings and poetry of other children, the main content of most other children's magazines. When he decided to launch Children's Express three years ago, he started with little more than the idea that children could accept the responsibility of reporting and be taken seriously.

"The big thing," he says, "is to get them involved. Responsibility is a transforming experience for children as well as adults. We started with 14 kids who knew nothing about politics and had little interest in it. Suddenly, they became buffs. It wasn't just the Mondale scoop. They did an extraordinary job."

Clampitt began the magazine as a private enterprise "but in order to make the magazine work properly" in that situation, he says, "we'd have to turn over the control of it to backers. We didn't want to do that, so we're turning it over to a non-profit foundation, the Children's Cultural Foundation."

Funds from Sears Roebuck, a prominent advertiser in about 1 million test issues of Children's Express, made the Republican Convention trip to Kansas City financially possible—after the Children's Express performance at the Democratic convention in New York made it feasible.

When then-12-year-old Lee Heh Margolis recognized Mayor Daley on the floor at Kansas City, she asked him about the Chicago riots and was told, "Don't believe everything you hear, dear . . . that isn't true."

Her story spread beyond the Children's Express newsletter into the front page of the Chicago Daily News, along with an observation from CE photographer John Engel: "At first he (Mayor Daley) thought Lee Heh was going to ask him questions like how old he was and do you like your job."

Lee Heh is the adopted Korean daughter of NBC reporter Marjorie Margolis, who invited another Children's Express reporter to appear on her weekend talk show. Robin Moulds' mother Mitzi was, until recently, a producer of ABC's "Good Morning America." Frank Borgerson, one of the former incarcerated children who testified at Thursday's hearings, appeared on "Good Morning America" Friday.

Asked about the importance of such parental connections, Children's Express adults say strict standards avoid abusing the Children's Express name and connections.

When they strike out on a story, Children's Express reporters are briefed by their editors—former reporters, aged 14 to 17—and equipped with tape recorders. Adults handle the heavy editing chores on stories that read the way reporters like Debbie Oestreider talks.

Discussing the interviews with former incarcerated children, she says, "I had kind of a stereotype about what they'd be like. I thought they'd be hostile and brutal about answering our questions. But they were really nice. It was strange."

When the hearings were over, the chief hearing examiner, 13-year-old Robin Moulds, said: "Some adult reporters have told me that the hearings weren't very professional. But a lot of other adults said our questions were more sensitive than an adult's would have been."

Robin, who wants to be a journalist some day, ended the week deciding she has a way to go before becoming a hardboiled reporter: "Some of the incarcerated kids got to be good friends of mine. It was really hard for me to probe them. Tony was so shy, I felt every question we asked just tore him apart."

By the day after the hearings ended, the Children's Express team was visibly flagging. Like adult journalists ending an out-of-town assignment, some of them, including 10-year-old Ma Lozier, caroused on the last night.

To release the tension, they turned out the lights and held a seance to call up the ghost of one of the world's most child-like spirits; they were trying to get in touch with Charlie Chaplin.

[From the Detroit Free Press, Apr. 3, 1978]

JUVENILE JOURNALISTS LISTEN TO CHILDREN'S PROBLEMS

(By Patricia O'Brien)

WASHINGTON.—For three days they ignored Washington's spring weather, sitting behind a long green table at the Children's Embassy, a day-care facility bright with wall murals, picture books and Raggedy Ann dolls—listening to horror stories.

Behind theme were photographic blow-ups of children in mental institutions. In front of them was an impressive array of national juvenile detention experts.

They heard about the abuse of isolation cells, overdosing with drugs, beatings and homosexual rapes. They fired off question after question. Their attention rarely wavered.

"What is happening in institutions incarcerating children is a national disgrace," declared the chief hearing examiner at one point.

None of this is necessarily unusual. Hearings are held all the time in Washington on social problems. But this one was different, because not one of the hearing examiners at that green table was more than 13 years old.

"We studied hard for this," said Quin Bakaty, 11, of New York City. Dressed in neatly pressed pants and a tie, Bakaty presented an earnest picture of dedication—even while blowing up a pink balloon. "We need some diversion," he said.

Bakaty and 21 other New York children, all reporters for Children's Express magazine, spent two months preparing for the hearings, which were co-sponsored by the National Coalition for Children's Justice (NCCJ) and the Day Care and Child Development Council of America.

"These kids absorb material like sponges," said Robert Clampitt, founder of the magazine and an attorney. "They read, they become good interviewers. They are astonishingly well informed. Most kids, I believe, are dying to do something responsible, and they are."

Clampitt said the idea for having children conduct the hearings, which were televised locally, came through talks with the founder of NCCJ, author Kenneth P. Wooden, an ardent advocate of juvenile detention reform.

"The children read his book ('Weeping in the Playtime of Others'), plus all the material he could get our hands on," said Clampitt. "They're very interested in the plight of kids confined in institutions. They've all done advocacy reporting for our magazine."

Children's Express first came to national attention during the 1976 Democratic National Convention, when Clampitt's determined neophyte reporters first reported now-President Carter's selection of Walter Mondale as his running mate, scooping the adults. "Politicians said incredible things," said Clampitt with satisfaction. "They weren't on guard, and they talked too much. We got terrific stuff. Once that dynamic was there, the kids became interested in many substantive issues."

In preparing for the hearings here, the boys and girls, some as young as 10, met each week to review the material they were reading and talk about it among themselves. They held mock hearings, taking turns role-playing "witness" and "examiner." Clampitt and Wooden brought in experts, including an ex-prison inmate, to brief them further. The adults, hoping the gimmick of a child-run hearing would bring publicity to their cause, were delighted to participate.

"What I've been learning really blows my mind," said Charles Hollins, 12, a chubby-faced boy with a short-cropped Afro. "I used to figure kids who were put in institutions had done something bad, and they should be punished. What we've learned is weird." He stopped and thought for a moment, frowning. "I'd probably try to commit suicide if I had to endure those things," he said matter-of-factly.

The most effective moments of the hearings came during the testimony of children who had been abused in detention centers and institutions.

One young woman, identified only as "JoAnn W.," told of an entire childhood spent first in foster homes and then in an Illinois mental institution, because of the lack of adequate juvenile care facilities in that state. She recounted experiences such as being tied down, spread-eagle to her bed for days at a time.

"Did you ever have any hope of escape?" asked the chief examiner, Robin Moulds, 13.

"I had dreams, pretending I was somewhere else," answered the young woman, now 21.

[From Criminal Justice Newsletter, Apr. 24, 1978]

RECTOR STEERING OJJDP TO ADVOCACY RULE

John Rector is making it crystal clear these days that he intends to enlist the full weight of his office in the drive for maximum deinstitutionalization of juveniles.

Having been at OJJDP for about a year, Rector has now taken charge fully and is impressing his personal stamp on its work. Rector—who came to OJJDP after serving as counsel to the Senate Juvenile Delinquency Subcommittee and helping write the Juvenile Justice Act—has become an increasingly outspoken advocate of change.

A case in point is the hard-hitting speech Rector delivered March 28 at the Children's Embassy in Washington, DC. Here are some excerpts which clearly show Rector's views on the issues in juvenile justice:

"The traditional 'solution' for juvenile crime has been to upgrade personnel, improve services or refurbish facilities. The [Juvenile Justice] Act tells us that this is not adequate. What we need is an uncompromising departure from the current practice of institutionalization overkill which undermines our primary influence agents—family, church, school and community. We must support policies and practices which protect our communities while also assuring justice for our youth."

"We must shift our resources toward developing productive responsible youths rather than reinforcing delinquent or undesirable behavior.

"The current overreach of the juvenile system in its reliance on detention and incarceration is particularly shocking as it affects so-called status offenders . . . Many status offenders are arrogant, defiant and rude—and some are sexually promiscuous. Detention or incarceraton, however, helps neither them nor us. Some of these children cannot be helped, and others do not need help. Real help, for those who need it, might best take the form of diverting them from the vicious cycle of detention, incarceration and crime.

"Some youthful offenders must be removed from their homes, but detention and incarceration should be reserved for those who commit serious, usually violent offenses."

"The Act mandates the participation of citizens, especially youth. Congress mandated that those closest to the reality of the juvenile justice system, namely youth in the system, should participate in the planning, operation and evaluation of policies and programs."

"Children are entangled in a child welfare/juvenile justice system that was established ostensibly to protect them, but, in practice, far too often has rendered them subject to arbitrary and excessive authority exercised by parents, custodians and the State. The rhetoric of 'save,' 'help,' or 'treat' translates, far too often in reality, to 'abused,' 'neglected,' 'brutalized' and 'drugged.' The latter has become an Orwellian version of solitary confinement."

"We have a moral obligation—in fact our Office has a statutory obligation—to help assure that business as usual is rejected, at least as it relates to imprisoned children."

"I would caution you not to be misled by 'new' initiatives which would divert you from assessing current Federal policies or programs that ignore, encourage or support the inappropriate incarceration or institutional abuse of our next generation."

For copies of the speech contact OJJDP.

[From Prison Law Monitor, vol. 2, No. 1, June 1979—reprinting privilege granted by Institution Educational Services, Inc.]

CHILDREN IN CUSTODY: OUR CONTINUING NATIONAL SCANDAL

(By John M. Rector*)

> *Another difficulty is the sort of stupidity that comes from the lack of imagination . . . People will read of a burglar being sentenced to ten years' penal servitude without turning a hair. They are like Ibsen's Peer Gynt, who was greatly reassured when he was told that the pains of hell are mental: he thought they cannot be so bad if there is no actual burning brimstone. When such people are terrified by an outburst of robbery with violence, or sadistically excited by reports of the white slave traffic, they clamor to have sentences of two years' hard labor supplemented by a flogging, which i sa joke by comparison. They will try to lynch a criminal who illtreats a child in some sensationally cruel manner; but on the most trifling provocation they will inflict on the child the prison demoralization and the prison stigma which condemn it for the rest of its life to crime as the only employment open to a prison child. The public conscience would be far more active if the punishment of imprisonment were abolished, and we went back to the rack, the stake, the pillory, and the lash at the cart's tail.*[1]

The Children in Custody Initiative is in part an endeavor to prick the public conscience regarding the scandalous way in which we persist in treating both troubled children and those actually who have violated criminal law. I am especially pleased with this effort which was developed and funded at my direction while the Administrator of the Office of Juvenile Justice is the subject of a PLM special issue and that I am able to provide an overview in conjunction with the excellent articles dealing with the specific funded projects. This initiative represents a substantial commitment to Senator Birch Bayh's Juvenile Justice and Delinquency Prevention Act both in its letter and its spirit.

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*The points of view expressed are personal and not necessarily those of the Department of Justice. Mr. Rector resigned as President Carter's Administrator of the Office of Juvenile Justice (OJJDF) on April 25, 1979. He previously served as Staff Director and Chief Counsel of the Senate Subcommittee to Investigate Juvenile Delinquency and as a prosecutor involved in police brutality cases within the U.S. Civil Rights Division, U.S. Department of of Justice. He is a member of the California and U.S. Supreme Court Bars; a graduate of Hastings College of Law and the School of Criminology, University of California at Berkeley.

[1] George Bernard Shaw, *The Crime of Imprisonment*, Citadel Press, First Paper Back Edition, 1961, pp. 16–17.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) was established in 1974 as a response to the growing recognition of the inadequacies and abuses of the juvenile justice system. A clear consensus emerged from congressional hearings supporting strong incentives for the development of community based programs and services as alternatives to traditional processing which so heavily relied upon indiscriminate detention and incarceration. This focus was felt to be particularly advantageous for the noncriminal cases such as the status offenders and neglected or dependent children and, in fact, mandated that participating states and territories remove the noncriminal group from detention and correctional facilities.

Importantly, the Congress was concerned about far more than the noncriminal cases. The prohibition on the custodial handling of those cases was not dealt with as a matter of great controversy, but was spawned in a strongly nonpartisan manner by the clear denial of basic human rights to a significant portion of our disenfranchised citizenry. The Act provides specific incentives aimed at broader reliance on coercion, including the development, maintenance and expansion of approaches, including the following:

(a) The use of subsidies and other financial incentives or disincentives to units of local government, or other effective means that are designed to:

(i) reduce the number of commitments of juveniles to any form of juvenile facility as a percentage of the state juvenile population;

(ii) increase the use of nonsecure community-based facilities as a percentage of total commitments to juvenile facilities; and

(iii) discourage the use of secure incarceration and detention.[2]

(b) Projects designed to develop and implement programs stressing advocacy activities aimed at improving services for and protecting the rights of youth impacted by the juvenile justice system.[3]

(c) Youth initiated programs and outreach programs designed to assist youth who otherwise would not be reached by traditional youth assistance programs.[4]

(d) Community-based programs and services to work with parents, youth, and other family members to maintain and strengthen the family to avoid an out-of-home placement.[5]

(e) Community-based programs and services for the prevention of delinquency through the development of foster-care and shelter-care homes, group homes, independent living programs, twenty-four hour intake screening, volunteer and crisis home programs, day treatment, home detention and other nonsecure, humane and cost-effective alternatives.[6]

(f) Programs designed to encourage and enable state legislatures to consider and further the purposes of the Bayh Act both by amending state laws where necessary, and by devoting greater resources to those purposes.[7]

Thus, the Congress noted and responded to the inordinate preoccupation of the juvenile courts with the noncriminal cases, but designed the Act to address systemic detention and institutional overkill. It was with this more comprehensive perspective in mind that the Senate Judiciary Committee noted as it reauthorized the Act in 1977, that "the lives and the potential of millions of juveniles are falling between the cracks of our juvenile 'justice' system." They were alarmed about the inappropriate, inhumane, and costly—indeed a surtax—response to our least organized, poorest, most vulnerable group of American citizens whatever the label, be it abused, neglected, incorrigible, predelinquent, serious delinquent or violent delinquent.[8]

The significance and dimensions of unnecessary detention and incarceration are staggering and it is not possible, within this article, to reiterate the awesome list of injustices and violations of human rights associated with what is euphemistically called juvenile justice.

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[2] § 223(a)(10)(H).

[3] § 223(a)(10)(D).

[4] § 223(a)(10)(G).

[5] § 223(a)(10)(B).

[6] § 223(a)(10)(A).

[7] § 224(a)(10).

[8] Juvenile Justice Amendments of 1977, Report of the Committee on the Judiciary on S. 1021, Report No. 95–165, at p. 34, May 14, 1977.

Over 600,000 children were admitted to juvenile detention and correctional facilities in a recent year.[9] Of these, 513,000 were admitted for what so-called professionals call "short-term detention" for an average of 144 hours. Approximately 30,000 of the long term and 225,000 of the other commitments were noncriminal cases.[10] Additionally, nearly every other jail holds children, 22% of whom are noncriminal cases.[11] Little is known about the private institutions which account for significant deprivation whether not-for or for profit. Whether public or private, as expected, significant percentages of the youth are poor and non-white, and, contrary to popular myth, many of the noncriminal charges are filed against nonwhite youth. In fact, in most major urban areas nearly half of the incorrigible cases involve nonwhite youths.[12]

The economic cost of maintaining secure facilities are likewise staggering. The average cost for incarcerating a youth is $18,000 per year. This is nearly five times the average cost of a year in a group home and many times the cost of probation services. In fiscal 1974, the fifty states spent more than $300 million operating detention facilities and less than $30 million on community-based residential programs.[13] As Milton Rector and David Gilman point out in an article in Criminal Justice Review:

"The increasing reliance upon detention and institutionalization as a response to deviant behavior is no longer justifiable. The costs are exorbitant. Constructing new security room runs to about $40,000. If amortized through a twenty-year bond issue, the cost would rise to $140,000. Add to this figure the $12,000 to $25,000 per year for inmate care and services, and we see a very compelling economic reason to end our reliance upon institutionalization.[14]

The fact that the leaders of the earlier juvenile court movement were concerned with greater governmental intervention into the lives of children and their families rather than the jails and reformatories which incarcerated juveniles goes a long way to explain today's absence of appropriate facilities.[15] In part because of nonrational intake procedures and the failure to institute intake on a 24 hour basis, unlike many secure detention facilities, most alternative programs never operate at maximum capacity, and in fact fall between 40 and 60 percent of maximum.[16] I suspect that the courts carry the major share of the responsibility for such failures. Actually it is somewhat peculiar that anyone would think that a court of law ought to be used as a conduit for social services. Some, however, link this perspective to the notion that the court's coercive authority can be used to force agencies to provide services for children. The hypothetical merits of this assertion are the practical realities, namely that noncriminal case jurisdiction has been with the courts for decades and the services and appropriate facilities often do not exist, and therefore clearly make it untenable.[17]

The traditional solution for juvenile delinquency has been to upgrade personnel, improve services or refurbish facilities. The Juvenile Justice Act tells us that this is not adequate. What we need is an uncompromising departure from the current practice of institutional overkill which undermines our primary influence agents—family,[18] schools, church, and community. The Juvenile Justice Act was designed to help states, localities, and public agencies working in a new partnership with private agencies and citizen groups to develop and conduct effective delinquency programs, to divert more juveniles from the juvenile justice process, and to provide urgently needed alternatives to detention and correctional facilities.

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[9] *Children in Custody*, U.S. Dept. of Justice, LEAA, 1977.

[10] Department of Justice, OJJDP, Program Announcement, *Deinstitutionalization of Status Offenders*, "Background Information," p. 4, 1975.

[11] *Children in Adult Jails: A Report by the Children's Defense Fund*, pp. 3–4, 1976.

[12] R. Hale Andrews and Andrew H. Cohn, "Ungovernability: The Unjustifiable Jurisdiction," 83 Y.L.J. 1383, 1386–1387 (1974).

[13] *Juvenile Delinquency Annual Report*, 95th Congress, 1st Session, Report No. 95–17, pp. 28–29 (1976).

[14] "How Did We Get Here and Where Are We Going—The Future of the Juvenile Court System," 1 Crim. J. Rev. 77, 83 (1976).

[15] See. Note, "The Courts, the Constitution and Juvenile Institutional Reform," 52 B.U. L. Rev. 33, 35 (Winter 1972).

[16] *Use of Secure Detention for Juveniles and Alternative to its Use*, Pappenport and Young, at p. 7 (1977, unpublished paper submitted and on file with the OJJDP).

[17] See, Rena K. Uviller, *Position Paper on State Offenders*, Children's Rights Project, American Civil Liberties Union, p. 2(1/24/75).

[18] See, "The Right to be Left Alone," Jill K. McNulty, in vol. II, No. 1, *The American Criminal Law Review*, Reported by Office of Youth Development, DHEW, Pub. No. 73–26036. At p. 12, "unwarranted court intervention may not only be unhelpful but actually detrimental to the development of a troubled family's ability to cope with its problems. It can only further diminish the child's respect for the parent." At p. 24, Because of the waning interference of the modern family, church, school and community, especially in urban centers the role of principal keeper of the social order and conformity falls increasingly on the police and the courts. The burden is not only too great for the courts to handle . . .. it is inappropriate."

The current overreach of the juvenile system in its reliance on detention and incarceration is particularly shocking as it affects so-called status offenders. These youths are actually more likely to be detained, more likely to be institutionalized, and once incarcerated, more likely to be held in confinement than those who are charged with or convicted of criminal offenses. Seventy percent of the young women in the system are status offenders. This system is the cutting edge of the double standard.[19]

Many status offenders are arrogant, defiant and rude—and some are sexually promiscuous. Detention or incarceration, however, helps neither them nor us. Some of these children cannot be helped, and others do not need help. Real help, for those who need it, might best be taken in the form of diverting them from the vicious cycle of detention, incarceration and crime.

As Edwin Schur has so persuasively argued, "Sane youth policies will have to be based on a greater acceptance of young people on their own terms, a willingness to live with a variety of life styles, and a recognition of the fact that young people of our society are not necessarily confused, troubled, sick or vicious. These attitudes cannot emerge within the context of the present juvenile justice system with its paternalistic patronizing even hostile philosophy." [20]

Some youthful offenders must be removed from their homes, but detention and incarceration should be reserved for those who commit serious, usually violent offenses. Such custody should be provided in small community-based settings. While recognizing the need for some secure placement, any appropriate strategy should be narrow and well defined. Dr. Jerome Miller succinctly captured such concerns when he observed:

"Although secure programs are needed for the truly violent offender, certain problems present themselves once such programs are begun. The existence of secure programs stimulates the labeling of more juveniles to fit the category as 'in need of security', the 'potentially' violent, the person who presents a 'danger' to himself or herself. Such diagnoses multiply to fill the secure spots available." [21]

Children are entangled in a child welfare/juvenile justice system [22] that was established ostensibly to protect them, but in practice too often has rendered them subject to arbitrary and excessive authority exercised by parents, custodians and the state. The rhetoric of "save," "help," or "treat" translates, far too often in reality, to "abused," "neglected," "brutalized" and "drugged." The latter has become an Orwellian version of solitary confinement.[23]

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[19] See Patricia Wald, "Status Offenders: Saturday's Children," presented Sept. 3, 1976, to the 84th Annual Convention of the American Psychological Association, 1. ". . . To form a more perfect union. . . ." Justice for American Women, Report of the National Commission on the Observance of International Women's Year, 158–159 (1976). Birch Bayh, *Girls in Trouble: Second Class Delinquents.* 1 The Women's Offenders Report, 6–7 (March/April 1977).

Even a cursory review of the handling of young women reveals the grossest application of the double standard. *See,* U.S., LEAA, Children in Custom, Report on the Juvenile Detention and Correction Facilities Census of 1971, 6 (1974). Female Offenders: Problems and Programs, 6, Female Offender Resource Center, National Offender Services Coordination Program, American Bar Association (1976).

See also ABA–IJA, *supra,* n. 2 at 13. "The Juvenile Justice Standards Project's New York City Study found that although girls only accounted for 62 percent of the total PINS sample, they accounted for 100 percent of the cases involving allegations of prostitution, promiscuity, 'cohabiting' and 'general sex innuendo' (whatever that may mean if anything).

[20] Edwin M. Schur, *Radical Nonintervention: Rethinking the Delinquency Problem,* 168 (New York: Prentice Hall 1973).

[21] *The Violent Juvenile Problem,* Jerome G. Miller, The Boston Globe, Apr. 2, 1976.

[22] See, *Children Without Homes: An Examination of Public Responsibility to Children in Out of Home Placement,* Children's Defense Fund, November 1978. Jane Knitzer and Mary Lee Allen, its authors, found:

Families don't count. Few funds or services are available to prevent unnecessary removal of children from homes, to ensure parent-child contact, to help reunite them once removed or to facilitate adoption when appropriate.

Children don't count. Thousands are haphazardly and inappropriately placed. Some are even banished to other states—cut off from family or community ties and from state attention.

Children are lost. Some have no assigned caseworker; many are shifted from facility to facility; and must remain in placement for too long.

Children are faceless. Child welfare officials CDF surveyed could not give the length of time in care of 53 percent, the age of 49 percent, or the race of 54 percent of the children for whom they were responsible.

Children are forgotten. Inadequate monitoring and review procedure prevent children from being returned home or being placed for adoption.

Children's needs are ignored by state and federal government. The state's neglect of homeless children is reenforced by the federal government's failure to monitor and provide leadership. Most federal dollars now go toward maintenance of children in expenses out-of-home settings and very little for preventure child welfare services.

As Susan Fisher, in *The Smell of Waste*, reminds us, we must be forever vigilant regarding such matters:

"This detention center represents the failure of all structures in urban society—family life, schools, courts, welfare systems, organized medicine, hospitals. It is a final common pathway to wretchedness. Occasionally, a scandal in the newspaper, and outraged lawyer, an interested humanitarian judge makes a ripple. The surface smooths rapidly over again, because, locked away in a distant part of town, society forgets the children it does not want or need. . . ."[24]

The OJJDP has a moral and statutory obligation to help assure that such business as usual is rejected, at least, as it relates to imprisoned children. And that obligation formed the basis for the Children in Custody Initiative.

Shortly after I was confirmed by the Senate and assumed my responsibilities as Administrator of OJJDP, we adjusted the program strategy rather significantly. Rather than adopting the past unrealistic, unachievable agenda of programs, we targeted our activities. Congressional guidance helped us to adopt this more rational approach. The Senate Judiciary Committee provided the following specific advice:

". . . . The [OJJDP] has indicated tentative plans for future initiatives dealing with serious juvenile offenders, youth gangs, neighborhood prevention, restitution, youth advocacy, alternative education, probation, standards, and alternatives to incarceration. While the committee acknowledges that all of these areas are important and may deserve extensive attention in the future, the Office should be cautious not to deviate too quickly from using its limited resources to support those related to primary focuses of the 1974 Act, namely, alternatives to incarceration, youth advocacy, and restitution. Once the priority mandates have been fulfilled, then the Office should certainly explore the possibility of initiatives in other areas. Care must be taken, however, that the available resources not be diluted through programs in tangential areas at this early period of the Act's implementation. A targeted focus relative to the Act's primary thrust with fewer initiatives each year would serve to clearly state the priorities of the Office. The implementation of standards would, of course, be one vehicle to achieve these goals.[25]

Not too surprisingly, John Forhan, then my counsel, and I decided to develop three major programs: Restitution, Youth Advocacy and Children in Custody.[26] Preparatory work as well underway when I reported to the Senate Judiciary Committee on September 27, 1977:

"The essence of it is that we will select, through our plan review process and other processes that are available, States, localities, private entities, coalitions of persons, and other organizations that are showing that deinstitutionalization can be accomplished. The program will help shore them up."[27]

In October we established a Task Group with representation from several OJJDP Divisions, to complete the development and selection tasks. Initially we set aside $38 million for the program. There were three components in the original design, essentially the three that were eventually funded:

(a) Supplemental award to participating States and their juvenile justice advisory groups, $8 million.

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[23] See, K. Wooden, *Weeping in the Playtime of Others* (McGraw-Hill 1976).

[24] Susan Fisher, "The Smell of Waste," *The Children's Rights Movement: Overcoming the Oppression of Young People*, B. Gross and R. Gross, (Anchor Books 1977).

[25] See Footnote 8, *supra*.

[26] Restitution was announced in early 1978. More than $19 million were invested in this alternative to incarceration. The Youth Advocacy Guideline was cleared and approved by all appropriate LEAA offices and submitted to the LEAA administration in March 1979. It will support projects incorporating such approaches as the following: development of coalitions with business, industry, labor, churches, United Way, and other leadership groups for the purpose of protecting the rights of youths and their families and helping to ensure that services entitled are improved and provided; development and support of both individual and systemic or class advocacy whether it be by means of legal, paralegal or lay advocates; encouragement of citizen, especially youth, participation in the development, implementation, monitoring and evaluation of programs; development of efforts to assure access to quality educational programs and related services; and direct efforts to assure that improper school expulsions or inappropriate and unwarranted suspension which clearly eliminate career and other options be curbed and that sound alternatives are developed. Eight million dollars were set aside for the area which was the only new area supported by the Carter Administration 1977 Juvenile Justice Bill.

[27] Implementation of the Juvenile Justice and Delinquency Prevention Act of 1974, Hearings Before the Senate Judiciary Committee, 95th Cong., 1st Sess. Sept. 27, 1977, at p. 8.

(b) Incentive grants to States and private not-for-profit groups: $20 million.

(c) National promotional campaign (multimedia), technical assistance and fiscal support: $10 million.

Incentive grants in excess of $5 million were awarded on a statewide basis to Vermont, Utah and Washington. In each instance major change consistent with the JJDP Act was to be accomplished either through executive order and implementation or through the implementation of a statute. In Vermont, for example, through a well planned coordinated interagency agreement, the Juvenile Services Transition Project was funded with the dual objectives of institutionalizing complete multi-agency services for children and youth in trouble and closing the state industrial school.

Supplemental awards in excess of $10 million were made to all states participating in the Act that were exclusively targeted for furthering the children in custody objectives of the Act, with special emphasis on the noncriminal cases. A minimum of 30 percent of these awards were set aside for private not-for-profit advocacy groups.

Each of the components were fashioned to assist in the implementation of the JJDP Act. The objectives included the removal of the non-criminal cases from detention and correctional facilities, the separation of incarcerated juveniles and adults, the development of new approaches for the violent offenders in need of secure placement, the documentation of actual progress towards the accomplishments of its goals, the identification of true barriers and obstacles to compliance as distinguished from phony or perceived ones: and more generally, to assist in the creation of an environment that would help foster implementation of the Act.[28]

Progress under the former administration had been extraordinarily modest.[29] After an examination of all the available data it had become graphically evident that unless a large scale effort was undertaken, many states would no longer be eligible for funds. In fact, the CIC Task Group reported that only 35% documented compliance in the area of the noncriminal cases and 20% compliance regarding the separation of incarcerated juveniles and adults. Thus, even if the Initiative were an overwhelming success, it was certain that some states would soon be made ineligible for funding.

Since de Tocqueville, it has been the voluntary, not for-profit sector that has been the main source of protection of individual freedom and concern for quality of life. The private advocacy groups were the key to the passage of Bayh's JJDP Act. Similarly, they were central to our expectation for the CIC. What did we expect? Generally the following:

(1) A decrease in the use of detention for noncriminal cases.

(2) A decrease in the coming of incarcerated juveniles and adults.

(3) Improved information on the number of incarcerated youth.

(4) An acceleration in the number of citizens concerned and involved in curbing the inappropriate placement of children.

(5) A decrease in the use of training schools and the expansion of existing community-based facilities and greater reliance upon nonresidential programs, including non-intervention.

Of course, it is premature to forecast how successful these collective efforts will be,[30] but the activity of these several change-oriented groups in the 22 states[31] is likely to have significant impact, not only in pricking the conscience of the public, but in providing the werewithall to expose those who have a vested interest in the unnecessary and incredibly wasteful incarceration of dependent, neglected, non-criminal and delinquent young people.

The overloaded juvenile justice system is under fire for not stemming the tide of youthful criminal violence. We are, however, often and understandably blinded by the lurid publicity given a relative small handful of violent juveniles and we lose sight of the fact that the net of the juvenile system is very wide; that many noncriminal acts and minor delinquencies subject youth to unwarranted and unjust detention and incarceration, grossly disproportionate to the harm, if any, done by the behavior involved. Our collective errors in this regard are compounded by the fact that these indiscriminate incarceration policies which overloaded the juvenile correctional system permit the punishment of even fewer violent youthful offenders.

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[28] This total $23 million, largest single federal investment in the area of juvenile justice, was embarrassingly long overdue.

[29] See, *Ford Administration Stifles Juvenile Justice Program*. Vols. I and II, Hearings before U.S. Senate Subcommittee on Juvenile Delinquency, 1975 and 1976.

[30] See, *Archey Report*. Office of Planning and Management, LEAA, Aug. 31, 1977.

[31] The private, not-for-profit CIC grants were planned for 36 months with continuation after 18 months, subject to success exhaustion.

For those committed to humane, rational care for children in trouble, it is important to bear in mind that many of those who spawned and nurtured our current bankrupt juvenile justice process were well intentioned. Thus, it is imperative to carefully evaluate programs popularly labeled "youth service bureaus," "'community based," or "diversion," so as to ensure that the sterile, destructive authoritarianism often typical of training schools is not unleashed upon our communities under the protective banner of helping children in trouble.

There are no federal answers to the problems of juvenile crime and delinquency, nor should we divert attention from major reforms aimed at ameliorating the poverty, unemployment, sexism and racism so relevant to the quality of life and opportunities for our youth.

It is my hope that the CIC will help assure that more of the long distance runners, not sprinters, essential to the children's movement will be sustained than otherwise would be the case. It is absolutely vital that we coordinate to reject the repugnant policy of unnecessary costly detention and incarceration of scandalous numbers of Americans which make a mockery of the notion that we are a child oriented society. As Senator Birch Bayh has said,

"A society must expect ultimately to be judged by the way it treats its children. America cannot face that judgment day with an easy conscience."[88]

[From the Children's Bureau, HEW—June–July 1978]

CHILDREN AS PUBLIC ADVOCATES

IN WASHINGTON, 10- TO 13-YEAR-OLDS CONDUCT PUBLIC HEARINGS ON ABUSES AGAINST INCARCERATED JUVENILES

Can children play a responsible role in child advocacy? Can they conduct informed public hearings, bring out important information on the problems of children, and help stimulate legislative change?

Many adult child advocates were convinced they can—after extraordinary hearings conducted by children 10 to 13 years old in Washington, D.C., March 28–30. Seated at a table under klieg lights and facing television cameras, a panel of 9 children focused on the plight of the nation's estimated 100,000 incarcerated youngsters. Over three days, they fired sharp questions at 25 witnesses, including formerly incarcerated children, public officials, psychiatrists, researchers and child advocates. The witnesses gave dramatic testimony about the use of solitary confinement, drugs and violence to control children in detention facilities across the country.

The hearings were planned by Children's Express, a New York-based news and advocacy magazine entirely written by children in a professional journalistic style. Held at the Children's Embassy of the Day Care and Child Development Council of America, the Washington hearings were sponsored by the Council and also by the National Coalition for Children's Justice and the Children's Cultural Foundation. Funding came from grants by the U.S. Office of Juvenile Justice and Delinquency Prevention and the New Land Foundation of New York.

According to Robert Clampitt, a New York attorney who founded Children's Express and helped organize the hearings, "We planned these hearings to inform the public and stimulate legislative change, especially in the States. The young examiners, all reporters for Children's Express, prepared for the hearings carefully over a two-month period through conferences, research and interviews with authorities. In Washington, the examiners were backed up by 10 teenage associate and assistant editors of Children's Express who handled logistics and taped the three days of testimony."

The hearings produced some shocking testimony. Young witnesses told of being abused, drugged and isolated in solitary confinement for long periods. Though most of these teneagers were status offenders, held for such minor infractions as running away from home or incorrigibility, many were treated like hardened criminals. Physicians described the use of drugs to control youngsters, and psychiatrists testified about the damage done to children by abuses like solitary confinement. Kenneth Wooden, an expert on juvenile penal institutions, told of children locked for up to three months in small, damp, cold isolation cells, wearing only their underwear.

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[88] "The Ultimate Crime," *N.Y. Times*, May 16, 1971.

Testifying at the hearings, John Rector, Administrator of the Office of Juvenile Justice and Delinquency Prevention, pledged to "incorporate your findings in the activities of our office . . . and use your recommendations to bring these practices to the attention of cabinet members." Senator George McGovern (D.-S. Dak.) noted that millions of dollars are going to "institutions that continue to violate human rights of children."

Because hearings conducted by children on a problem of national interest are unusual, the event was covered by the national TV networks and by newspapers across the country. The findings and recommendations proved so valuable that additional hearings on incarcerated children will be conducted by Children's Express reporters in seven States over the next 12 months, with funding provided by the Office of Juvenile Justice and Delinquency Prevention.

Describing the hearings planned, Robert Clampitt said that they would focus on solutions and that Children's Express would work with advocacy groups to stimulate follow-up activities by State legislatures. "The Washington hearings," he said, "showed that children are ready and able to play a serious advocacy role on their own behalf and in support of other children."

For additional information and a summary of the Washington hearings, write to Robert Clampitt, Children's Express, 20 Charles St., New York, N.Y. 10014.

INTERVIEW WITH SEN. BIRCH BAYH—CHILDREN'S EXPRESS REPORTERS—WASHINGTON, MARCH 28, 1978

(Senator Birch Bayh, (Democrat, Indiana) chairman, Senate Judiciary Subcommittee on the Constitution, with Children's Express reporters, Jared Hoffman, 15; Guynus Sick, 12; Margaret Hoffman, 12; Debbie Oestreicher, 13; Lauren Bell, 13; and Chris Clay, 13.)

CHILDREN'S EXPRESS. When you were working on the Judiciary Committee on Juvenile Delinquency, what laws did you work on in Congress?

Senator BAYH. Basically, I was concerned about state laws and local laws and practices, that seem to make it almost impossible to treat our children, our young people, in such a way, that when they commit a minor misdeed we have a chance to rehabilitate them and put them on the straight and narrow. The Federal Government does not have jurisdiction over most illegal acts by children. These are usually state laws or local ordinances that are violated. So what we are trying to do at the federal level, was to write a national law that would create an incentive for states to change their laws and to change their practices. One of the things we tried to do was to recognize the fact that more often than not, when a child or a youth commits a minor misdeed, he or she is incarcerated, put in a jail or a detention center, with either young or older people who have committed very serious crimes. Of course, the result is not really to rehabilitate the minor offender, the first offender, but to give that first offender a personal truing session with some of the kids and the cons that have been out on the streets and know how to cross wire ignition switches and hustle heroin and televisions and everything. So the Juvenile Justice Act[1] that we passed earlier in this decade—back in 1974—that was when that was passed—is an incentive to try to get local communities, counties and states not to put children who don't go to school or runaways from home in a juvenile or adult jail setting with someone who has robbed the corner grocery store, has committed a rape or is part of an automobile theft ring.

CHILDREN'S EXPRESS. Well, what would you do with them, then?

Senator BAYH. It would all depend on what they did. I think that you all need to understand that just because someone is young, doesn't mean that they don't commit serious crimes. You take a young, well-developed 15 or 16 year old boy or girl . . . he or she can commit some very serious crimes. And someone like that who commits a violent crime—an assault and battery, or murder or rape—that person has to be treated more like an adult. You cannot treat that person the same way you treat a 5th grader that just won't go to school . . . or a 13 year old girl that runs away from home.

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[1] S. 821, The Juvenile Justice and Delinquency Prevention Act became law on Sept. 7, 1974, Public Law 93-415.

Children's Express. A person who won't go to school or who runs away—what would you do with them?

Senator **Bayh.** Well, first of all, I really would like to have a special place, a special kind of a center, in which children who commit those kinds of what we call status offenses—really if you stop to think about it, running away from home and not going to school is not a crime unless you're a child, a young person. Once you got beyond the age of majority, it's not a crime to run away from home or to not go to school. Those are called status offenses. And what we want to do is to have a special place, see, a halfway house, a detention center, whatever you want to call it, one that is non-secure, that is specially designed to get those young, first offenders off the streets and then to get them to treat their problem in such a way that they don't run away again, or we can get them back into the classrooms. So often, a judge will send a kid that won't go to school to the boys' or girls' school to teach them a lesson and instead of teaching them a lesson, it teaches them all the tricks of the trade that they learn from all the young toughs that have been there and have been out on the street time and time again. It should be kept in mind that many of these young people need no intervention, but should just be home with their families.

Children's Express. But isn't that what the institutions were meant to be first?

Senator **Bayh.** Yes, the system of juvenile justice which has existed in our country traditionally, has been designed to give special attention, special care, special concern to young people. That's why you do not always have to provide a lawyer for a child or a jury for a child because the court is trying to lean over backwards to deal with that child's problems in such a way that they don't hit the front pages of the newspaper and they don't end up creating a criminal record. But we have found that instead of really having that kind of impact on young people, it tends to work the other way round. That they are not given the kind of counseling and advice and assistance they really need. What I would like to see happen, and what would be permitted under our Juvenile Justice Act, is to have a new kind of counseling and guidance established in our school systems and communities. Right now, guidance and counseling are the kind of services that we provide for Junior or Senior boys and girls in High School. We guide and counsel them into course work and future educational or occupational opportunities—how to get a job or where you should go to get a better education. What we need, is in the grade school, guidance and counseling so that when someone stops going to school, when a child stops going to school say in the 4th grade, there is somebody who has the responsibility to see why. Granted, this responsibility is ultimately the parents. And you have to look beyond the classroom, you have to find out what's wrong at home; maybe there's an alcoholic parent, maybe there's parental illness, maybe there's a constant confrontation between mom and dad that the child has learned as long as he or she is there, mom and dad don't fight. And so what we need, is the kind of counseling service that can find the problem when it's still at a small enough level that we can solve it. Instead of taking a child and either ignoring the child and letting the problem get worse and worse and worse until the child explodes, or on the other hand, taking the child and putting him in a jail setting or a juvenile secure institutional setting where you co-mingle the bad actors with the not-so-bad actors.

Children's Express. Have you succeeded in getting what you want and how is everything going?

Senator **Bayh.** Well, we're making some progress! The program is designed so that there are several hundreds of millions of dollars from 1974 through the present, that have gone back to states and local communities if they will adhere to our standard of keeping youthful status offenders and non-offenders—neglected and abused kids—separated from the more traditional kinds of young people who commit traditional offenses. We are beginning now to establish separate centers. It's too early to tell whether it's going to work perfectly, it probably won't work perfectly, but what we hope is to be able to make some significant progress. And I guess if I could just say one thing we're trying to accomplish, and it's an over-simplification, but what we're trying to accomplish is to establish a system of juvenile justice so that each juvenile, so that each youth, boy or girl, is given the kind of attention that that young person really needs. In other words, if there's a situation where a girl runs away from home because she's tired of being sexually molested by her step-father,

father or brother, which happens frequently unfortunately, then a system that just picks this girl up on the street and puts her back in that home, or in jail doesn't solve the problem. There needs to be a foster-parent situation so that this girl can be put in another situation where there will be a surrogate mother and father that can provide her with some tender, loving care, instead of the kind of abuse she's been getting. This can also happen to young boys.

CHILDREN'S EXPRESS. Have you done anything about drugs in institutions?

Senator BAYH. Well, we've tried. I first initiated hearings on "Drugs and Institutions" in 1975, as Chairman of the Subcommittee to Investigate Juvenile Delinquency. Here again, the unfortunate thing is that most all of these insttiutions are run by levels of government other than the federal government and it is now illegal for that kind of conduct to take place. So what is happening is something that is clearly illegal and shouldn't be happening, and it's not a matter of passing new laws, but of enforcing the ones that we now have—getting better qualified people to run the institutions. One of the things our Juvenile Justice Act is designed to do is to establish a special program, out of the Justice Department, that trains professionals so that they can go in and run these institutions, they can talk to children and young people, and understand their problems, and actually be able to treat them and to help them, instead of the old black-jack and solitary confinement response, which all too often in the past, has been the reaction. One thing we are trying to do—I have introduced a bill as a result of the 1975 hearings and held other hearings in 1977 and 1978 as Chairman of the Subcommittee on the Constitution, in the Senate Judiciary Committee and hopefully sometime this year, we will be able to get it out and perhaps, pass it this year[2] . . . . is to permit the Federal Government to intervene to join and indeed initiate, court cases, suits, against state governments in those institutions where the rights of individuals are being denied. When you mentioned drugs, what made me think about this, is that in many of our institutions, let's say juvenile institutions/juvenile mental institutions, where children are put in there who are not 100 percent by normal standards . . . . they have mental problems, but many of these problems can be resolved, many of these children can be rehabilitated and live prety well, a normal life. Yet instead of having the kind of treatment that most of us receive outside of the institution, what happens is that these children are drugged to the place where I would say it's like mental handcuffs, they become zombies. We've had experiences where they have been tied to the bed, they've been put in straightjackets, kept tied to the bed for 10 hours a day or 12 hours or 18 hours a day. So instead of doing that now, that's so obvious—that they just give them a good shot of barbiturates or some other tranquilizer so they just lie there with mental handcuffs instead of rehabilitation. If this bill passes, this would give the Federal Government the right to bring a suit against a state institution or a local institution that treats the patients or the inmates of the institution in such a terrible way.

CHILDREN'S EXPRESS. I know that some parents can just abandon their kids—they can say that their kids are incorrigible therefore they wouldn't care what happens to them—I can't imagine that a parent who wants to put their kid in jail, for not obeying a rule that they set up can really have that much feeling for their kid, but an awfully lot of parents whose kids do go to an institution do love their children. Now, how can they let their kids be pumped full of drugs—don't they have to sign a permission slip or something?

Senator BAYH. Not once a child is in a mental institution. Parents or guardians do not have the right to determine all kinds of treatment. Now certain kinds of treatment—say a major operation or certain kinds of perhaps, shock therapy—in some instances reqire parental approval. But what we're talking about is the day to day kind of medication, sort of like taking aspirin, only it isn't like aspirin and we have found cases where aides and nurses, without doctors orders, give these drugs to our young people.

CHILDREN'S EXPRESS. But it's not for his health and it's just a restraint and it seems to me—at least I know when I go to camp, if you're going to be given any kind of drug whatsoever or even penicillin, your parents have to sign a slip that says they'll let them use penicillin on you. So I know it's not like camp but it's dangerous because if you get too much of ift, you could die from an overdose.

Senator BAYH. There's no question about it. Not only would you die from an overdose, but you regress and you get worse. You take a child that is put in a mental institution that is not just a hopeless case, but a child that is below what we would call "normal." If that child receives the right kind of positive training, that child can become a productive child and later productive adult. On the other hand, if that child is sedated, day after day after day, year after year, that child will regress to the place that he or she can't even provide the kind of personal care to take care of their normal bodily functions. So you're absolutely right, it's a terrible kind of thing, but you're also absolutely right, none of our public institutions are anything like your private camps. Although just because a place is private doesn't assure that our children won't be mistreated. The very unfortunate ingredient about a public institution is that most of them have so many patients or in-mates and so few doctors or so few counselors that they can't get personal attention. So they treat everybody like a bunch of sheep. And that's why people get worse instead of better in institutions like that. And that's why we feel that this kind of a suit, the ability of the Federal Government to look into these institutions, and if the state didn't do the job to say just because a person is put in a mental institution or a penal institution doesn't mean that they suddenly lose all rights as American citizens. They have certain basic rights and I think what we will do by passing legislation like that is make the states do the jobs better themselves. No state really wants to have that kind of thing happen. I don't want it to happen either. But when we have record after record where people have been killed and maimed and have been changed for their entire lifetime by mistreatment while they are in a public institution, an institution that is supposed to be caring for them and who ends up killing them, there's no excuse for that kind of thing.

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[2] S. 10, the Civil Rights of Institutionalized Persons Act, became law on May 23, 1980, Public Law 96-247.

CHILDREN'S EXPRESS. I've never heard of a case where anyone was actually against civil rights—I mean Children's Rights—so who is actually keeping the institutions going and who actually wants them to continue?

Senator BAYH. Well let's take the example that I just mentioned . . . the effort that we're making now to let the Federal Government have a chance to look into the mental institutions where children are being kept—retarded children, a particularly pitiful kind of thing where most of us and most of our children are born what we would call "Bright eyed and bushy tailed" and they are just full of vigor and you can just see the wheels turning and just like those of you here . . . we know that with God's blessing, we're going to be able to have a wholesome (physically and mentally) fit person grow, a child grow and become an adult. When you take these institutions where children are placed in them at an early age, where they do not have that capacity, it is really a very pitiful thing and it becomes worse when you see the way the government responds. The people who are opposing our effort to let the Federal government look into those institutions and see whether the states are violating individual rights, are those that feel that this is a matter of states' rights—that they don't think the Federal Government should get involved in something that is a matter of states' rights. Also, opposing efforts like this—and you're right, I don't think you're ever going to find anybody who is against children—or against children's rights—but when the question is: Are you going to appropriate 10 million or 100 million dollars to provide the kind of health care, the kind of physical and mental therapy, the kind of breaking up of our institutions that are so large and developing them into small cottages, or community clusters so that the children or the adults who are assigned to those institutions can get personal care, that costs money. There are people who would always swear to you that they're for children, and that they've done a lot to help children and then they would say, "But I'm not willing to appropriate 20 million dollars of the tax payers money to put meaning in my words.

CHILDREN'S EXPRESS. Except doesn't a lot of that money have to be put in to keep the ones that are already made going?

Senator BAYH. You're absolutely right. Unfortunately, a lot of these misguided state legislators and some of our colleagues in the Congress don't understand this. It costs significantly more to keep a girl or a boy in a boy's school or a girl's school, where they gain very little, probably go backwards instead of forwards. It costs more to keep them in that institutionalized setting than it would be to spend some of that money up front, to provide guidance and counseling in the schoolroom or in the community: to provide a half way house where a child could be placed temporarily to get certain kinds of discipline, certain kinds of training, perhaps even be left at home at night, and spend the weekends in a place like this . . . the foster parent situation where you take a girl who would be in the kind of situation I described a while ago, running away from home to avoid being sexually molested by her step father. It costs—if you're looking at the dollars and cents standpoint—it costs much less to put that young lady in a foster-parent situation, where she has a mother and father and maybe a couple or three other children in that foster family to care for and provide love, than it does to put her in some institution. It costs fewer dollars and it makes more *sense*, if you understand what I mean. We're talking about something that I think already goes beyond dollars and cents. We're talking about human lives, we're talking about future opportunities, dreams—that's what this country is made out of—and I would hope and pray to God we never get to the place that we look at everything strictly from a dollar and cents standpoint . . . that we look at it from a standpoint of what is a good investment for our children and thus, for a whole generation of Americans. That's why if you really look at what in the long run is the best investment, it makes more sense to invest a small amount of money for education and for health care and guidance and training and counseling for children in their early years so that you don't end up having to pay the costs of lost citizens who do not have the capacity to contribute to society, and many of whom prey on society one way or another.

CHILDREN'S EXPRESS. In our researching, we learned a lot about a lot of institutions and we found out that this one institution gets like $1800 each month per kid from the government and we figured out how many kids they had and how much they got per year and it turned out to be an incredible amount of money. Now obviously when they've seen the conditions of these institutions they don't spend very much of it at all on the kids, and like the conditions are really bad. Now in the government, whatever department is giving away the money, don't they look where they're sending this money? These incredible quantities of money?

Senator BAYH. Well, some of them do and some of them don't. The fact of the matter is that institutions are very expensive. I think the average cost is somewhere around $15,000 per year to put a young boy or a young girl in an institutionalized setting like a girl's school or a boy's school, some cost as much as $30,000 per year, per child. What makes this particularly bad is that much of this money is spent for ways that are not productive. I think most of our states have an oversight function . . . most of them . . . have an oversight function that is designed to prohibit fraud so that you don't have people walking off with carloads of towels or sheets or food. But the fact is, you have a lot of people that are being paid salaries and they are not making any meaningful contribution to the children that are there. So you might as well just cut out that appropriation altogether. Here again I think it's important for us to recognize that any successful juvenile program, any program that is designed to help children or young people, has to be designed not to help a million, but to help one. And as sure as we try to structure a program that's going to lay down a format that's going to stereotype every boy or girl that ever has any problems in the same mold, we're going to get into trouble . . . because no two children are alike.

What we need to have is enough flexibility so that when Suzie has one problem, she's not going to be treated the same way that Shirley is when Shirley had a different problem from Suzie. What we need to do is to get the resources to our local communities in a way in which they can determine close to the problem, close to the family, close to the school, close to the community, what kind of treatment that child can best utilize and then see that the resources are available for the treatment, the assistance, the support needed by that child. In most instances, unfortunately they are a very small percentage of the instances, in most instances where you just have a hard case character that can't get along with anybody, that does nothing but cause bodily harm and damage, then you have to take that person out of that group and you have to see that that person is treated in such a way that he or she will not harm society or harm himself or herself or the other inmates or the other children in the state.

CHILDREN'S EXPRESS. Do you follow up on what's happening within the institutions in the state? Have you worked on that?

Senator BAYH. Yes, I have.

CHILDREN'S EXPRESS. What have you done about that?

Senator BAYH. Well, I have a very good friend of mine who still doesn't speak to me because he was the prosecuting attorney in an institution where they had a big shootout and they had a bunch of people killed and they all happened to be black and that seemed to be questionable and when the local grand jury exonerated this act and said that there was no racism involved there, I asked that the federal grand jury be impaneled to look into that and they looked into that and they brought about five or six indictments against guards who had used unacceptable force and had discriminated in a racial manner. I tried to look at out penal institutions to see what we could do to change the function there. I've tried to work with our juvenile court judges. The juvenile judge is such an important individual, the caseworkers are so important because they are the ones who determine what kind of personal attention an individual gets. If a judge gets wrong information from a caseworker and puts someone in an adult institution or a maximum security institution who really doesn't need that kind of treatment or they incarcerate in secure detention or correctional facilities status and non-offender, or they put someone out on the street that ought to be in a maximum security institution, it causes problems both ways so we need special attention for those people who have the first contact with the children.

CHILDREN'S EXPRESS. Getting back to what you said before about the money that's sent to institutions, some people look at what they're sending the money to and some don't. The people who do look at the institutions that they are sending he money to and see that it's not all being used for what it's supposed to be used, do they continue to send the same amount?

Senator BAYH. If you can point out the dollars that are being wasted, usually you can get that stopped. The difficulty is being able to nail down and really find the specific place that the money is being wasted. You see the very nature of our institutions is really designed to promote secrecy, not public awareness. We may not like to recognize this but society generally likes to feel that if there are some people who are abnormal or they misbehave, we can have this institutional setting that we can sort of sweep all of these abnormal people who don't behave off the streets and get them out of our minds so that we're not responsible for them, it's not our problem, we can go on and do what we normally do day in and day out and feel that we don't have any responsibility to those people who are cooped up in institutions. We are kidding ourselves, we're kidding ourselves if you look at the problems of juvenile delinquency.

The real problem with juvenile delinquency is not that you can't catch a juvenile delinquent, that you can't find him or her, that you don't know who a juvenile delinquent is, that you can't arrest them and try them or judge them and put them in an institution, we can do that. The problem is that once you've done that, they get out and some of them do it a second time and a third time and a fourth time because the first time the officials have an opportunity to treat the problems of the young person, they don't do it the right way. Often times you make matters worse instead of better. That's why you have a higher degree of recidivism. More young people repeat in your age group. So, it seems to me that what we have to do is start dealing with the problems of young people earlier in life and include the wide family; not wait until they've been to reform school three or four times before we start worrying about them. Secondly, make certain that what we do when we do start acting as a society is something that is positive, that improves a situation instead of making it worse. You take a kid who won't go to school and put him or her in jail with another kid who has stolen cars or pumped heroin, you know what's going to happen and it isn't gonna be that the kid who won't go to school gets better. He or she is gonna be worse.

CHILDREN'S EXPRESS. Was helping kids out of institutions part of your platform when you were running for election to the Senate the first time?

Senator BAYH. Not really. I have to confess to you that I've been involved in these activities for a long, long time . . . boy scouts, 4-H, rural youths and, in fact, one summer I worked in an orphan's home where I would provide some 4-H guidance and counseling for a group of orphans in the community. So I thought that I was rather familiar with the problems of young people. I got on the state legislature and later in Congress I was very active in getting monies and programs to help with recreation and education, that kind of thing. I had no idea when I was running for the senate the complexity of the problems of young people. It wasn't until I became the chairman of the Juvenile Delinquency Subcommittee of the Senate Judiciary Committee that I began to study the problem and I found out what we were really doing to make matters worse. As I said earlier, I think we have to understand that one of the key problems is that where we do something designed to help the boy or girl, often than not in the past it has made matters worse. When you put a minimal offender in a jail setting with a major offender you're gonna end up with two major offenders and I keep coming back to that. Let's make certain that when society responds, they try to deal with the problem that a child has. First of all we have to find out what that problem really is and find out what program has the best chance of solving that problem or relieving the whole situation. So that there's a chance that that child can go ahead and learn and develop into a normal adult.

I must admit that young people and their problems became a part of my platform when I ran for reelection in 1974 and for the Presidency in 1971 and 1976.

Children's Express. How did you first become interested in the Senate Judiciary Committee?

Senator Bayh. I became interested in the whole juvenile delinquency problem when I was made the Chairman of the senate subcommittee to Investigate Juvenile Delinquency [1] and we started studying the problem and I found out how complicated it was and how irresponsible we were in trying to deal with the problem and so we held numerous hearings over a seven year period of time. I wrote some legislation, the Juvenile Justice and Delinquency Prevention Act, and asked a lot of people who had worked with young people in the field to examine it and I got it passed into law. Now we are trying to get it implemented. You see no law is worth any more than the paper it's written on unless it deals with the problems out in the communities after it has passed. Right now we're at that process where we're trying to get this process implemented. It's like trying to get a new car that's bright and shiny on the outside but somebody forgot to put a motor in it. We have the program passed and I think it has a good motor and we're now testing different kinds of fuel in it, to see how we can make it run in a manner designed to help children and to help communities and in the long run to help our country.

Children's Express. How has Congress's reaction been to you about this? How enthusiastic have they been?

Senator Bayh. Congress has been rather enthusiastic. We have had a problem of course, congressmen and women who happen to be elected to serve in the Congress of the United States are not perfect. They have the same misconceptions of what's good and bad, right and wrong in treating young people that the population has. So we've had to do a great deal of educating and I think it's to the credit of the Members of Congress as we've gone through the educational process we have been very successful in getting people to support our programs. It was not easy at first because they were prepared to follow the same way of doing things because they had the same old thoughts, but as we've been able to point out the shortcomings of the old way of dealing with the problems of young people we've had more and more support so that legislation like the Juvenile Justice Act that I mentioned we passed back in 1974 has had more and more support and we've been able to get more and more dollars back to the local communities to be spent as the local communities think that it's best to spend it to solve the problems of the local children. In final analysis, these problems are going to have to be solved not in Washington or not in the state capital; they're gonna be solved in every community, in every classroom, in every home setting and one of the things that we are going to have to understand is that one of the most important aspects of the Juvenile Justice Act is that juvenile prevention and delinquency programs are designed to help children that are in trouble to see what can be done to strengthen the family unit. More often than not when you have a kid that's in trouble, you have a family that's in trouble and unless we have an institutional setting that gives assistance to the family that has trouble you're never really going to be able to solve the problems of the child that has trouble.

Children's Express. Okay, I guess we're finding more about that except it's harder for us to work with the family. We're just trying to reach as many people as we can like what we're trying to do with the hearings and stuff.

Senator Bayh. Well, I think it's amazing that young people your age are very much tuned in and turned on and trying to raise the national consciousness because I think it will have an impact particularly because you all are our future . . . my future. But more often than not it takes a young person to do it themselves, you can't put a price tag on that. A friend, a parent, a teacher, a church member, or a foster parent, who can spend a week-end or a couple of hours every night with a child who's got trouble, in the final analysis, will buy you a lot more solutions.

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[1] The Senate Judiciary Subcommittee to Investigate Juvenile Delinquency was established by law in 1952.

U.S. SENATE COMMITTEES AND SUBCOMMITTEES RELEVANT TO THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT, 1978–79

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[From News From Birch Bayh]

WASHINGTON, D.C., May 17.—**The author of the Juvenile Justice Act declared** this evening that children have a "right to a safe, stable home, to a reasonable education, to due process of law and to freedom from abuse and neglect."

Speaking at the celebration of the fourth anniversary of the Children's Express Magazine, Senator Birch Bayh (D.-Ind.) praised the Children's Express organization by saying it "represents the responsible contribution that our young citizens are capable of making and should symbolize the special efforts to be made in this, the 'Year of the Child'."

The Indiana Democrat, who served for seven years as chairman of the Senate Juvenile Delinquency Subcommittee, said, "Advocacy by children and on behalf of children is a new frontier which, lest we forget, involves and supports the development of our most important natural resources—the young mind."

Bayh said he is "deeply honored" that Children's Express has designated their annual award as the "Birch Bayh Juvenile Justice Award." The first award is being presented to Ken Wooden, director of the National Coalition for Children's Justice.

A copy of Senator Bayh's prepared remarks appears below.

SPEECH BY SENATOR BIRCH BAYH AT THE CHILDREN'S EXPRESS CELEBRATION AND BIRCH BAYH JUVENILE JUSTICE AWARD CEREMONY, MAY 17, 1979, NATIONAL PRESS CLUB, WASHINGTON, D.C.

Thank you Mr. Robert (Bob) Clampitt. Honored quests, this is truly an historic occasion and I am proud to be able to participate in your celebration of the Fourth Anniversary of the Children's Express Magazine and to help kindle the spirit of Children's Express in this Year of the Child.

The Children's Express represents the responsible contribution that our young citizens are capable of making and should symbolize the special efforts to be made this year. These young citizens, their individual and collective efforts, should serve as a model to all communities.

You have my warmest regards and congratulations to these two Children's Express pioneers, Javier Corral Jurado, of Juarez, Mexico and Samantha Gillison, who spent two years in New Guinea, for their extraoridinary journalistic accomplishments recognized at the White House ceremony by Vice President Mondale earlier today and here at the National Press Club this evening.

Advocacy by children and on behalf of children is a new frontier, which lest we forget, involves and supports the development of our most important natural resources.

In our country and throughout the world there are extraordinary advocates. Mr. Kenneth Wooden, who we are gathered here tonight to honor, is exemplary. His dedicated, eloquent, poetic commitment on behalf of children is without comparison.

But Ken did not arrive at this pinnacle in his life, without a true struggle—not only for his own justice and independence, but also for the justice and independence of our children. If I may digress a moment to tell you a short story of Ken Wooden.

I first met Ken at the 1964 Democratic National Convention. He was a keen, tireless fighter for juvenile justice then. But it wasn't until August 2, 1971, when I had the occasion to make a speech on the Senate floor concerning a report Ken had done as the Director of the Institute of Applied Politics on "An Iceberg of Failure—Reading in our Public Schools," that I began to realize the true depths of this man's commitment. He had known the degradation and vicious cycle that comes from the inability to read.

In the fifth grade Ken came home with 17 F's on his report card. His eighth grade teacher said he would end up in prison. In high school he stole a car and beat up a classmate. Somehow, he managed to get through 12 years of grammar and high school without ever reading a book or confronting our country's juvenile justice system. Surely Ken's strong support from his Irish parents when he got into trouble helped keep him from our juvenile court's confinement. But, two roads diverged and Ken, unlike many young people, was rescued from his vicious cycle. He joined the Army, volunteered for a job as assistant librarian on the base, and that happenstance made all the difference.

Shortly after his stint in the Army he graduated with honors from a State College and returned as a teacher to the school where he received the 17 F's and worked with the same teacher who said that he would probably end up in prison.

His experiences and incredible need to help children, who like himself were unable to cope with the reading deficiencies, led to the conception of the Institute of Applied Politics.

Without question, this country has the financial and individual resources to eradicate illiteracy. Do we have the desire? Ken has come a long way in his personal struggle, being raised by strong Irish working class parents, who must be looking down from the Heavens today with great pride on their son. Now he is trying desperately to come to grips with one of our nation's core problems. He has my support.

I am personally honored that Childrens Express has designated their Annual Award, the first to Ken Wooden, as the "Birch Bayh Juvenile Justice Award."

Our juvenile justice system has not been a success, it has destroyed families, it has invested in a system that keeps more of our children incarcerated than is necessary, rather than putting those monies into preventing injustices toward our children. But, because of the Ken Wooden's—outstanding persons such as this can make a difference. Our collective efforts are worth the toll. Children and adults can be successful together.

Ken's book "Weeping in the Playtime of Others" is inspirational and reaches out to us all. His tireless efforts on behalf of incarcerated and detained children are without comparison.

The aim of the children's movement is not to allow children, exclusively, to determine their own destiny, adults must ultimately be responsible for children. But, its aim is to establish that a child has a right to a safe, stable home, to a reasonable education, to due process of law and to freedom from abuse and neglect.

It's trail blazers like Ken who will help insure that the goals of the 1974 Juvenile Justice Act become a reality.

Congratulations, Ken!

STATEMENT BY MARY KAAREN JOLLY ON BEHALF OF SENATOR BIRCH BAYH, GIVEN AT THE WHITE HOUSE ON PRESENTATION OF THE BIRCH BAYH JUVENILE JUSTICE AWARD ON THE ANNIVERSARY OF CHILDREN'S EXPRESS MAGAZINE—May 17, 1979

Thank you. Mr. Vice President, Members of Congress, Mrs. Robert F. Kennedy and other honored guests.

I am pleased to be here today to represent Senator Birch Bayh in this historic setting to celebrate the fourth anniversary of the Children's Express Magazine and to help kindle the spirit of Children's Express in this Year of the Child.

The Children's Express represents the responsible contribution that our younger citizens are capable of making and should symbolize the special efforts to be made this year. These young citizens, their individual and collective efforts should serve as a model to all communities.

Senator Birch Bayh sends his warmest regards and congratulations to these two pioneers, Javier Corral Jurado, of Juraz, Mexico and Samatha Gillison, who spent two years in New Guinea, for their extraordinary journalistic accomplishments recognized here today.

Advocacy by children and on behalf of children is a new frontier, which, lest we forget, involves and supports the development of our most important natural resources.

There are extraordinary advocates. Mr. Kenneth Wooden is exemplary. His dedicated, eloquent, poetic commitment on behalf of children is without comparison.

Senator Bayh is personally honored that Children's Express has designated this annual award, the first to Ken Wooden, as the "Birch Bayh Juvenile Justice Award."

The Children's *Express*

"It makes me proud to be a kid—to be someone under 18," Jared Hoffman, former reporter and now an editor of the *Children's Express*, explained when we asked him how he felt about his work on the magazine.

Jared, 16, had come to Washington, D.C., along with other of the magazine's reporters (aged eight to 13) and its teenaged editors to participate in a three-part event last month. A copy of the special May edition of the *Children's Express*, marking both the fourth anniversary of the national magazine written by children and the International Year of the Child, was presented to Vice President Walter F. Mondale.

During the White House ceremony, the magazine also presented its first journalism award to a young colleague from Mexico, 12-year-old Javier Corral Jurado. Now a stringer for the *Children's Express*, Javier edits and publishes his own newspaper, *El Chisme (Gossip)* in Ciudad Juarez. He was honored for his hard-hitting journalism and advocacy of the rights of children—including those of incarcerated children and children in foster care.

In accepting the award, Javier read a poem he had composed. "All the children of Mexico extend a warm embrace to the children of the earth, because they are all our brothers," he said. Javier told reporters that he had started his newspaper nearly two years ago because "I wanted to let all my school friends in Juarez be aware of what was happening among children in the area."

Javier, who is his paper's chief investigative reporter, concentrates on children's issues but he also covers the city hall beat. The City of Juarez raised the funds necessary to enable Javier, an orphan, and Gaston de Bayona, the city official who accompanied him and served as his interpreter, to come to Washington to receive the award.

A second *Children's Express* award, the Birch Bayh Juvenile Justice Award, was presented later in the day at a *Children's Express* celebration at the National Press Club. It was presented by the children and Senator Bayh to Kenneth Wooden, executive director of the National Coalition for Children's Justice and author of *Weeping in the Playtime of Others*, a study of incarcerated children.

Javier Corral Jurado, 12-year-old Mexican recipient of the magazine's first journalism award, meets with Vice President Walter F. Mondale at the White House.

White House Photo

The *Children's Express* was founded in 1975 by Robert H. Clampitt, a lawyer, to "create a forum in which children could investigate and communicate about the issues affecting or shaping their lives and the lives of other children" and "to support them in taking on truly important responsibilities." His confidence in children's ability to observe, reflect and report on such issues, and to become effective advocates of children's rights and needs, was not misplaced.

Many first heard of the magazine when its young reporters scooped veteran journalists at the 1976 Democratic National Convention by reporting that Jimmy Carter's running mate would be Senator Mondale.

In March 1978 the *Children's Express* came to Washington, D.C., to conduct hearings on incarcerated children and institutional abuses. For three days the young reporters served as hearing examiners, interviewing 25 witnesses, including government officials, legislators, expert witnesses and formerly incarcerated young people who told of having been abused, drugged and isolated in solitary confinement. An account of the hearings, which received national coverage, is included in the current issue of *Children's Express*. (For a more detailed account see the Summer 1978 issue of *Change* Magazine.)

Listen to Us! The Children's Express Report, a large-size paperback covering discussions among more than 2,000 children on parents, friends, school, sex, injustice and many other subjects, was published last year (New York, Workman).

The current issue of the *Children's Express* features a unique three-part discussion on "Birth." It includes a Paris interview with Dr. Frederic Leboyer, author of *Birth Without Violence*, a section entitled "A Family Affair" in which reporters record their talks with parents and children about natural childbirth, home births and how some of the children felt when they saw a brother or sister being born, and "Should We Be There?" (in the birth room), a roundtable discussion among children and teenagers. Other features include "Dialogues on Divorce", interviews with Jean Young, Ambassador Andrew Young and Dr. Carl Sagan; and 11-year-old Samantha Gillison's observations on life in New Guinea, where she lived in a primitive village for nearly two years with her mother, an anthropologist.

Copies of the handsomely produced and illustrated special issue, sponsored by the McNeil Consumer Products Company, are available (at 35 cents a copy for postage and handling) from McNeil Consumer Products, Camp Hill Road, Fort Washington, Pa. 19034.

White House Photo

During the White House ceremony, reporters and editors of the "Children's Express" presented Vice President Walter F. Mondale with a copy of the special International Year of the Child edition of their magazine. Looking on are Ethel Kennedy and Gaston de Bayona, the Juarez city official who accompanied the young award winner to Washington.

Children's Express
The Magazine Written by Children

What it's like to be a Children's Express Reporter

A conversation with EXPRESS Reporters Robin Moulds, 11, Janna Abend, 11, Seth Scholar, 12, and Jessica Trentlyon, 11.

Robin: I never dreamed that I could be a reporter. I was only a kid, you know, and now I feel that I can do it and I am capable.

All kids can be reporters if they really have a desire for it and if they are interested. You don't have to be especially bright or talented or athletic or anything. If you're interested and if you'll dedicate yourself in a certain way, you can have a great time. I never believed I would be capable of asking questions and going up to people. All my friends would think, 'how can you do that—it's so embarrassing to run after people and try to ask them questions,' but it's really easy once you get involved in it.

You should always be carefully prepared. Know what you're going to do and know a little bit about who you want to interview so that you are prepared and you don't have too many doubts about yourself and you're not too nervous.

And you know, I think now I'm more sure of myself, not only as a reporter, but as a person.

Jenna: I just think up a plain question. It doesn't have all these words in it. It's a question that I could understand myself, that I could answer if somebody asked me.

Seth: It's very interesting how, when you're interviewing somebody, it's hard to use bad grammar. I was very careful about it. It would be very embarrassing.

Jessica: You know each interview you do you get more and more experience. Just by doing one interview I could ask so many questions. I feel that I could just step up to anyone now.

To Adult Advisors

In our effort to help develop inquiring young minds as well as interesting and timely stories for **Children's Express,** we would like to suggest some guidelines.

Permit the Reporters to take full responsibility for the development and communication of their own questions. Refrain from prompting and keep supervision to a minimum. The children need to understand and feel that the interview is their responsibility.

You are needed for logistics, support and follow-through. The children will need your help in setting up the story, making interview arrangements and providing safe transportation to and from the interview. The children may also need your help with respect to the technical aspects of the interview—to make sure that the tape recorder has been properly tested for

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operation and sound levels, and to take responsibility for back-up photography (see Section III in the memo to Express Reporters).

The pre-interview briefing is another area where your guidance will be needed. You will need to read and absorb the memorandum to Express Reporters—especially "Guidelines For Successful Preparation"—to be of maximum assistance. Bring your sense of adventure to the meeting together with a strong concept of good, accurate reporting. Your presence is as a guide—not to control.

Help the News Team conceive interesting angles for the story by gently guiding the discussion, not leading. Let the children think up their own questions at pre-interview meeting and suppress the natural temptation to suggest or 'plant' your own questions at the interview. It's more difficult and challenging that way and a lot more rewarding for you and the children.

How to be an Express Reporter

The interview is the coming together of your News Team and a very interesting person—the person you are interviewing! The person may have an unusual job or hobby, or be engaged in an event that you are covering. Maybe the person is famous or has remarkable skills or knowledge to share. In each case, it's up to you to explore whatever you feel is interesting enough for the story. And a good story can only result from an effective and intelligently conducted interview. You will find out that you can do that. Here's how.

1. Preparation

The most important element in a well-conducted interview is thorough preparation. This is done with Research and a Pre-Interview Meeting, where you discuss the interview with your adult advisor and the other reporters on your team.

A. Research

There may be other stories or written material about the individual you are about to interview. You, or one of the other reporters, should read the material and bring it to the meeting. This kind of research can be very helpful in planning your own interview. Don't hesitate to ask about the same things that have been covered before—remember that you have different readers who probably have not read the same material. And the interviewee may respond differently this time.

B. The Pre-Interview Meeting

The pre-interview meeting with the News Team should be held either the day of the interview or the day before. It is here that you familiarize yourself with the person being interviewed and the areas of interest that you will explore.

After you have fully discussed the upcoming interview, write down the questions you would like to ask. Do this without consulting other members of the News Team. This is the time to think independently. Then read these questions to each other. You will probably find that several of you have thought of some of the same questions. When this happens, divide these particular questions between you, so that no question is repeated.

2. The Interview

A. The Effective Question

"Who," "What," "When," "Where," "Why," plus "How." Those words, the "5 W's plus an H" are a journalist's basic tools. Whenever you begin a question with one of those words you can be sure you will receive a detailed or specific answer which will not only give you a better interview but save you time as well. Also, by using those words you have avoided a question that simply requires a one word answer.

For instance, if you ask someone, "Do you like being famous?," you will most likely receive a one word answer, either "yes" or "no." If on the other hand you ask, "What is it like being famous?" the interviewee will very likely answer in a full sentence or more. Another example: "Did you decide to become an actor when you were little?" Again, put that way the question requires only a one word answer. But if you ask, "When did you decide . . . ?" and follow up with "Why did you decide to become an actor?," you can be pretty sure to get an informative answer.

Try W. W. W. W. W. plus H out on your friends in practice interviews. You will soon see how much more interesting and complete their responses become.

B. The Follow-Up Question

Another important point to remember in making your interview effective is to LISTEN TO THE ANSWERS. You will arrive at the interview with prepared questions, but other interesting questions will arise. Probably without even realizing it, the person being interviewed will lead you to them, so you must listen very closely in order not to miss these opportunities for exploring new ground. Often these are the best questions in an interview. Here's an example of a follow-up question —"When did you decide to become an actor?" The answer might be— "Well, I never really decided; I fell into it by accident." If you're not really listening, you might go on to the next prepared question and miss a potentially fascinating fact about the actor's background. However, an attentive reporter would immediately explore the circumstances of the "accident," with the follow-up question:— "What do you mean by accident?" At that point, all sorts of interesting information might come out!

C. The News Team

It is important to remember that you are a member of a team so you must also listen to the answers received by other reporters on your team. In other words, don't switch off your attention just because it is someone else's turn to ask questions. Members of an Express team must "cover" each other. Nobody can be expected to always notice an opportunity for a good follow-up question, not even a professional reporter. But there is considerably better chance of getting to it if you listen to all questions and answers.

D. The Structure of the Interview

Express Reporters, like most reporters, use tape recorders. Here's how. Place the microphone on a table or desk between the Express Reporters and the person being interviewed. If there is no stand, put it in a glass. It is best not to handle the mike during the interview as the sound can interfere with the recording. There are times, of course, when a hand mike is the best or the only way to handle an interview. IMPORTANT: At the beginning of every new interview, each member of the News Team, including reporters, photographer, assistant editor (if any) must record his/her name and age on the audio cassette tape, and what his/her job was.

The actual structure of the interview is quite simple. It is a "round-robin."

1. The first round consists of each reporter asking questions that he or she prepared at the pre-interview meeting. The reporter should also ask any follow-up questions that arise from his or her prepared questions at that time.
2. While this is going on, the others should be paying close attention and writing down any additional follow-up questions that may have been missed.
3. When it is the second reporter's turn, he may ask his prepared questions, follow-ups to his own prepared questions, AND follow-ups to the previous reporter's questions

Roving Reporter

Roving Reporter is a **Children's Express** feature of "Child in the Street" interviews done by reporters in their own neighborhoods. This way, **Children's Express** can express the views of children from all over the country. Here's how you can do it.

1. An Express Reporter and an accompanying adult or teenager make a good team. They will need: a portable tape recorder with tape and a camera with film—color if possible.
2. Parks, playgrounds, camps, schools, neighborhood streets—all of these are good places to find kids. Introduce yourselves, explain what **Children's Express** is, and what you are doing. Check to make sure your tape is going, and say your name into the tape. Then ask the interviewee to say and spell his/her name, age, address, and phone number into the tape machine (the adult should be writing all of this down on a piece of paper labeled with the name of the reporter and the date. The adult should also write the number of the photo frame(s) in which the interviewee appears)

Now start with the questions. Always remember to end with a "Thank you" and then say "That was Susan Jones and I am Gary Smith for **Children's Express**." After you have asked your questions, take at least 2 close up photos.

A large number of interviews should be carried out to ensure responses that are interesting and "snappy" enough for the magazine. 10 is usually a good number.

Transcribe the tape, pick the best answers and send transcript, tape, and photos to **Children's Express**—Roving Reporter, 375 Park Avenue, New York, New York 10022.

3. Photography

Photography is a journalism of its own. Pictures of an event, a person, a thing, often explain far more than anything written could. As with any craft or art there are basic techniques and equipment that require mastering. Fortunately they are relatively simple to learn. Always remember that a camera is only a piece of equipment with which you take a picture. It will not make a great picture for you, it will not compose it for you, it will not focus for you. Remember too that while Nikon's and Leica's are fun for full-fledged camera buff's or pros to own, many of the great photographs of our generations were taken with simple cameras and lenses. And photo assignments on a regular basis can and will increase your batting average, so cover as many assignments as you can!

A. Equipment

a) The compact or cartridge camera: These are generally foolproof automatic cameras. All you have to know is that it's loaded, that there's enough light (it has a built-in light meter), that it is focused, and that the picture you're about to snap is to your liking.

b) Polaroid: These are now also available with film cartridges and are also automatic. Their advantage is that you are able to see the photograph you've taken almost immediately.

c) Single lens reflex 35 millimeter cameras: Commonly abbreviated to SLR 35mm. 35mm refers to the size of film. Among professional and serious amateur photographers this is the most widely used type of camera. It is relatively simple to operate and produces sharp, clear images if it is properly focused. Of the three kinds of cameras mentioned here, pictures taken with a 35mm camera are the most desirable because they reproduce most clearly.

B. Film

We prefer 35mm color slides whenever possible. Use a Kodak High Speed Ektachrome (daylight) for outdoors and a Kodak High Speed Ektachrome (Tungsten) for indoors.

the interview is a valuable part of the story. This is where you can ask the questions such as, "Do you think the interviewee was honest, what parts did you like best, etc."

G. Express Reporter's Responsibility

Have the children take responsibility for as many of the logistical and technical details as possible. The adult responsibility is to see that it all gets done. A foul-up can result in great disappointment. After one great interview with a national television personality, the Reporters found that their tape was blank.

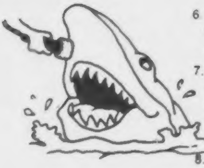
H. The Transcript

We must have an unedited transcript of the interview in order to review it for publication. We prefer that it be typed, although clear readable handwriting is acceptable. Please include the tape with the transcript when you forward the material to us. If you include return postage the material will be returned if it is not used. Do not hesitate to submit material to school papers, local weekly newspapers, etc.

'Roundtable Discussions'

Get 4 or 5 children together (more than that gets noisy), sit down with a tape recorder, and express your feelings on a specific topic.* Here are some ideas to get you started:

1. **School Education:** What do you think of co-ed schools vs. all boy or all girl schools?; should children have something to say about their education? (should there be children on the school board?).
2. **Home/Family:** Talk about your communication or lack of it with your parents—your brothers and sisters; talk about divorce or adoption; what kinds of chores do you have?; what is your allowance and what is it based on?; what's it like to be an only child, a middle child, the oldest, the youngest?; how do you feel about discipline?; talk about the ideas you get from your parents; do you think children should have the right to live where they want if they are mistreated?
3. **Relationships:** Why do you love the people you love? What do you do to get people to like you?
4. **Work/Hobbies:** Talk about boredom—What do you do to overcome it? Talk about being very, very poor or very, very rich. How do you feel about the work your parents do? How do you earn money? Should you share the money you earn with your family?
5. **Animals/Pets:** If you could be an animal which one would you be? Talk about pets you've had, you have, you would like to have. Talk about zoos, and the circus.
6. **World Problems and Events:** Talk about Religion, Race Discrimination, God, Sex Discrimination, equality for women, Ecology/pollution, population, economic (money) problems, busing, TV commercials, TV violence, the nuclear threat.
7. **Fantasy:** Talk about all your crazy dreams and wishes. What would you do with a million dollars? What would it feel like to trade places with other people? Make up wild conversations with unlikely people like Evil Knievel and Queen Elizabeth. Talk about everything you've ever wanted to do or be and why you didn't or couldn't do or be these.
8. Talk about anything that interests you.



*Technical Note: Put microphone on a stand or in a glass and do a tape check to make sure every child can be heard. Announce your name at the beginning and each time you speak if possible.

that may not have been asked, and so on.

4. On the second round, when it is your turn again, you may ask your new follow-up questions. This process is repeated in successive rounds until all questions have been asked.

5. After all questions have been asked, one of you should ask the person being interviewed if they have anything to add.

E. After the Interview: the De-Briefing

When the interview is over adjourn to a nearby location and have a "de-briefing" with your News Team. Turn on the tape recorder again and talk about how each of you felt about it. Include things like how you personally felt about the interview, the subject, the experience of being an Express Reporter. What were the surroundings like? Did anything surprise you or strike you as unusual?

F. Courtesy

A good reporter will not talk too much. He or she will let the person being interviewed do the talking. If there is a silent moment, don't be too quick to ask the next question. The person might be thinking about what to say next. Don't break the silence until you are certain that the interviewee is waiting for the next question.

Don't feel, just because it is your turn again, that you must come up with additional questions. If you can't think of any more good ones, turn it over to the next reporter. That's why there is a team.

Be courteous to the person being interviewed. Remember they are giving up their time so that you can accomplish your interview. And be sure to thank them when the interview is over.

Good luck, and most of all, have fun!

Guidelines For a Successful Interview

A. Team Size

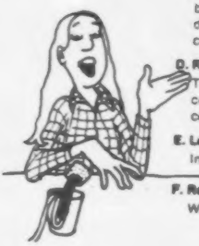
An ideal team will consist of 3 to 4 Express Reporters, one of whom may be a photographer; a back-up photographer and/or the adult advisor. Too many participants tend to make the situation unwieldy.

B. Location of the Interview

Look for a quiet place where you will not be disturbed. Watch out for traffic noises, air-conditioners or other machinery which may be picked up by the tape recorder.

C. Microphone Technique

Place the microphone on a table or desk between the Express Reporters and the person being interviewed. If there is no stand, put it in a glass. It is better not to handle the mike during the interview as the sound can interfere with the recording. There are times, of course, when a hand mike is the best or only way to conduct an interview.



D. Recording

To get a recording level before starting, ask all the participants to talk normally from a comfortable position. Then stop and play back what has been recorded. Repeat the procedure if necessary to get a sound level that will not create problems in transcription.

E. Length of Interview

In general, an interview should not run over an hour.

F. Recording the Team's Experience

We have found that a taped 'round-table' discussion by Express Reporters, taken right after

Add a strobe light under fluorescents or ordinary lighting. Second choice is 35mm black and white.

Some notes on covering a story with a camera: A photographer has to do as much research as the other members of the News Team do. For instance, let's suppose you are going out to interview a veterinarian in your community. In the pre-interview meeting you and your fellow reporters will discuss what areas you want to cover. Let's say some of the questions are going to be 1) What kind of animals do you treat most? 2) What animal do you like best? 3) What animal is the hardest to treat? 4) Any pets of your own? 5) What's your favorite animal story? and so forth. Now, you're going to have to think of what pictures you're going to take to help illustrate his answers. Okay—you know for sure that you will want at least two or three pictures of the vet being interviewed by your News Team, just for the record. What else? Well you might want a shot of him behind his desk or in his office with one of his patients. You might also want a picture with the vet, his family and their pets. Listen carefully to the interview—he may tell a story about his favorite dog or cat and you'll want to get a picture of that animal. He may invite you to see some of the sick or injured animals he is treating, or some new puppies or kittens or ducks or lambs. You'll definitely want pictures of those! Maybe even with one or two CE Reporters thrown in for good measure. While you will know in advance some of the pictures you want, you never can tell what else may come up during the interview, so listen. Keep your ears open, your camera ready and your shutter-finger cocked. You are the "eyes" of the story.

Photographer's Check List

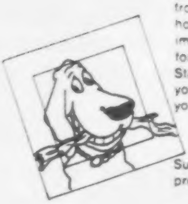
1. **Frame Your Picture.** The fault of most beginning photographers is that they snap pictures of what they want the picture to be rather than of what they ACTUALLY SEE through the lens. Practice looking at the world through the lens of an empty camera!

2. **Focus.** Turn the focusing mechanism on the camera until the image is as clear as you can make it. (Focusing a camera is very similiar to focusing binoculars, or a telescope or a microscope—same principle!) This may require some practice because this is a delicate operation.

3. **Light.** Most cameras made in the last few years are "automatic" (have built-in light meters) and are very simple. If you have a 35mm camera you will need to read the instructions that come with your make of camera or have someone show you how. Remember as it is being explained to you that it sounds much more complicated than it is.

Exercises

With an empty camera pose a parent or a friend or a pet in an area where you have some room to walk around. Stand 2-3-4 feet from your subject and look at the person's/pet's face through the lens. Pay attention to the four corners of picture. Then stand ten or more feet from the subject and look again. Notice just how much smaller your subject has become and how many new background elements have been added. Don't forget, the background is as important from this distance as the subject. Try looking at the subject from different angles for instance, look down at her/him from the top of a flight of stairs—then change places. Stand your subject up against a sunny window. Notice how different the picture looks when you and she/he change places. REMEMBER the camera will only take a picture of what you are actually seeing through the lens. SO TRAIN YOUR EYE TO SEE WHAT'S THERE.



Captions and Illustrations

Suggest captions for your photographs! And do submit any illustrations you feel are expressive of the story!

In Order To Become *A CHILDREN'S EXPRESS* Reporter You Must Establish Your Serious Interest. You can do this in several ways:

1. Form a News Team, including an adult advisor, and develop a story (or stories) about interesting local people or events.

Follow the directions set out in the "How-To-Do-It" Kit. Feel free to submit your work to your school paper or to a local newspaper. Submissions to CHILDREN'S EXPRESS must include a transcript, tape and film.

2. Select a subject and with some friends, record a ROUNDTABLE DISCUSSION. Talk about things that you do or don't like—how you're treated and how you feel. See your Reporter's Kit for further ideas.

3. Do ROVING REPORTER interviews. See your Reporter's Kit for how-to-do-it details.

4. Submit a "soft news" story, like fashions, or fads, your own magic tricks, or jokes and games, or puzzles, or a cartoon, or comic strip. You can research and review the best in bikes, skates—any products; sound off with an editorial on a "hot" topic, or write a column on a new way you've found to earn money. Use your imagination! Have you invented something? Tell us about it!

RULES

You must now decide whether you can abide by the rules for EXPRESS Reporters. Following the rules is essential to our support of one another *and* to the development of good stories and features. Here they are:

1. I will use my credentials *only* when I am covering a story. This includes my CHILDREN'S EXPRESS NEWS TEAM T-shirt.

2. As an EXPRESS Reporter I will be courteous to those I interview and to my teammates.

3. I agree to follow the guidelines for Reporters in research and preparing for any assignment or story. This includes pre-interview briefing sessions as well as research.

4. I agree to accept full responsibility for representing CHILDREN'S EXPRESS Magazine and my fellow Reporters all across America. I will work closely with my teammates and my adult advisor. (You can seek help from teen advisors as well.)

5. I understand that CHILDREN'S EXPRESS has the full right to publish whatever I submit and that I will receive an award ($5 to $15) only if I am published in CHILDREN'S EXPRESS.

6. I understand that if I want unpublished materials back, I must send in a stamped self-addressed envelope.

7. I agree to clear in advance with the National office, any story of national interest or interview of a nationally known person. (The purpose is to avoid confusion and repetition.)

Reporter's Signature:______________________________________

NOTE: Actual credentials are issued only after individual reporters and/or News Teams have demonstrated their interest by their submissions.

CHILDREN'S EXPRESS

I AM INTERESTED IN BEING A CHILDREN'S EXPRESS REPORTER

PLEASE FILL OUT THIS FORM CAREFULLY. PRINT CLEARLY. LEAVE NO BLANK SPACES.

NAME: ______________________________

ADDRESS: ______________________________

____
CITY STATE ZIP CODE

PHONE NUMBER: ______________________ GRADE: __________
AREA CODE NUMBER

MOTHER'S & FATHER'S NAME: ______________________________

MOTHER'S & FATHER'S OFFICE NUMBERS: ______________________________

BIRTHDATE: ______________ I will be 14 years old in 19______

GREATEST INTEREST: REPORTER ☐ PHOTOGRAPHER ☐ ROUND TABLE DISCUSSIONS ☐
OTHER: ______________________________

FRIENDS WHO WOULD LIKE TO BE REPORTERS ON MY NEWS TEAM ARE:

NAME: __________ __________ __________
ADD: __________ __________ __________
TEL: __________ __________ __________

MY ADULT ADVISOR IS:

__________ __________ __________
NAME ADDRESS PHONE NO.

This is a story (or stories) I want to do with my News Team.

____

I have read and understand the rules and will assist and support the EXPRESS Reporters in their effort.

Adult Advisor: ______________________

Return to CHILDREN'S EXPRESS, ~~Department X.R., 257 Park Avenue South, New York 10010~~ We welcome your story ideas and your writing, photographs or art, whether or not you want to be credentialled as an EXPRESS Reporter. If you want us to return your work you must send a stamped, self-addressed envelope to Dept ED.

CHILDREN'S EXPRESS
20 CHARLES STREET
NEW YORK, N. Y. 10014

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3. Do ROVING REPORTER interviews. See your Reporter's Kit for how-to-do-it details.

4. Submit a "soft news" story, like fashions, or fads, your own magic tricks, or jokes and games, or puzzles, or a cartoon, or comic strip. Yo-can research and review the best in bikes, skates - any products; sound off with an editorial on a "hot" topic, or write a column on a new way you've found to earn money. Use your imagination! Have you invented something? Tell us about it!

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MRS. ROBERT F. KENNEDY; VICE PRESIDENT WALTER MONDALE; MEXICAN PUBLIC RELATIONS DIRECTOR, GASTON de BAYONA, ACCOMPANYING JAVIER CORRAL JURADO; AND ROBERT CLAMPITT, THE WHITE HOUSE, CHILDREN'S EXPRESS FOURTH ANNIVERSARY, MAY 17, 1979.

(Children's Express Magazine--1978)

NATIONAL

The Constitution: For Adults Only?

When Children's Express did investigative research into children in penal and mental institutions of the United States we found very shocking evidence of the degrading and inhuman abuses practiced there, such as solitary confinement for extended periods of time, drug abuse, and physical brutality. The constitution establishes rights for all people and this is certainly a violation of children's rights. So Children's Express held national hearings in Washington D.C. to inform the public of American institutions' cruel treatment of a section of our society.

Robin Moulds 13, Chief Hearing Examiner

Frank and Mary were two of the more intelligent and articulate witnesses at the Hearings. They're especially sensitive, you could tell that, and they expressed their feelings pretty openly. They were really touching. I mean, what kind of kids do you know who would be able to go out and tell details about an incredibly horrible experience they had?

It's part of their life; it's something that's behind them. It's the same way kids grow up after being abused by their parents. It's the same thing, you *do* grow up, you *do* live. You don't die just because something terrible happens to you.

Children's Express Hearing Examiners

Mary is studying to be a lawyer. We hadn't expected someone who's been through all that to do something productive about it. We thought they'd just give up and let things happen, but she has a lot of courage.

We felt with Mary when she talked about her 50-day sentence in solitary confinement. We understand how she was feeling; it's not like she's so far away from us that we can't get where she's at.

Mary, 18:

When I was 14, I got put in a psychiatric hospital. I got out after five months and then ran away. So I was put in solitary confinement at Oregon School for Girls (which closed down), and then I ran away and got put at Goodwin, which took the place of Oregon. I was put in isolation there too. I was going to see an eye doctor and on the way back I reached for the car handle and tried to get out of the car, and that's why I got put in isolation.

I was given a 50-day sentence. As soon as they told me how long I was given, I just curled up in my bed and kind of went into a stupor for a few days. I didn't think about anything. I got up to go to the bathroom, but I wasn't rationally thinking about what went on. I think I just turned it off 'cause I couldn't deal with it. After about three days I started to realize what was happening to me, and then I just tried not to think about it. I hardened myself to what was happening and tried not to cry, tried not to think about what was going on, and tried not to feel it.

We weren't allowed to speak to anybody. The isolation cell was just a brick room and you got a bed and that was it. They didn't have bathrooms in the cells, so we were allowed out to go to the bathroom. Before they'd open up the door, they'd yell to everybody to get out of the halls. If we tried to communicate to anybody, we would get *them* in trouble. But there was nobody in the halls to communicate with anyway. You weren't allowed to talk out of your door if somebody was walking by; you'd get in trouble. You weren't allowed to wear your own clothes; you had to wear pajamas. There was no other rules since there was no privileges.

I fantasized about suicide all the time, but the fantasy I thought about the most was that I wished I could go into a coma for 50 days and then come out, after my sentence was done.

After I was in for 21 days, a lawyer came to see me. The reason a lawyer found out what was happening is because there was people who came over to the institutions— volunteers to do things with the girls, like draw and stuff—and one of the girls mentioned to a lawyer that I had been put into a solitary confinement room for 50 days. So he came over and asked me if I wanted to sue these people for what they were doing. I said that I did. About an hour after he left, the superintendent came into my room and told me that I was going to be put into a nicer room, not because I had a lawyer, that it was just a "coincidence" that today they were going to move me. They put me in a nicer room and then I had a dresser and a closet, but I was still locked in my room and had to stay in there 24 hours a day. Right about the time the lawsuit was filed, I was moved into an even nicer room, and given clothes, and then a couple days later I was released from isolation because a federal court judge ordered my release.

Frank was a regular guy and we didn't expect that. When you think of someone who's been abused as much as he has, you think of a grimy kid. But he was incredible. He was just like your average teenager; he could have been working as an assistant editor for Children's Express. You'd think that people who have been hurt that bad would be full of hate and resentment against anyone who is happy, but he wasn't. He's really kind and sweet and considerate.

Frank, 17:

I've been in institutions since I was 12. I've only been out for about a year since then— that's either on the run or on a home visit. The problem was running away. I'd run away because I didn't like the place and they'd stick me in a worse place and it kept gettin' worse and worse. Mainly what they did to me is, I'd get mad and they'd hate it, so they would try to bring me down to the "time out" room and I'd resist them. What could I do, you know? There wasn't much of me.

Solitary confinement or "T.O." rooms are made for when you're out of control. That's what they call it when you ain't goin' along with the program. That's "out of control". They put you in there for not agreein' with the staff, smartin' off, sassin' off to the staff—little things. They wouldn't let you know. Anybody who worked there, it's up to them if they want to throw you in there or not. A lot of people

"It's frightening because you think you're gonna' lose control of your sanity."

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Hearing Examiners, ages 10 to 13: Children's Express National Hearings on Incarcerated Children

don't care, because you were out of the way and they wouldn't have to watch you.

The "time out" room is about four and a half feet by five feet—like a box. The walls, floors and ceilings are carpeted. They just lock you in there and they don't tell you when you're gonna get out. Sometimes they strip you of your clothes. There wouldn't be nobody down there, so if you had to go to the bathroom, people went right in the room. When I was in there, I'd have to smell it. You would be all cramped up 'cause you'd have to curl up in a ball or sleep crosswise. There would be glass on the floor from broken light bulbs, nails stickin' to the wall. It was cold—you didn't get no blankets. And it was really hard to breathe—you had to keep your nose by the crack so you could get air. Usually you'd keep your ears by the door so you could hear if people were down there. If you were lucky, you might get a staff down there that would open up and let you go to the bathroom.

It's frightening because you think you're gonna' lose control of your sanity. You think to yourself, "What am I doing here? Why am I here? What are they trying to do to me?" The things you come up with in that situation are pretty bad. It tears your mind apart thinkin' about it.

It was such an experience I felt like committing suicide. I tried it, but I couldn't do it. All I had was a broken glass chip from the light bulbs and it wasn't big enough, so it wouldn't work. I felt like I was going crazy.

When I was in there, I was on a drug, Thorazine, and I was just out of it. Nine hundred milligrams of Thorazine was the usual thing I'd get per day, but it would depend. If I didn't look zonked enough, they'd give me more. When they give you Thorazine, you're just a walking zombie. You ain't got no coordination in your hands, you can't control your saliva, you can't walk, and you're always tired. You can't even talk. You can't communicate with people, get your feelings out. You're like a loner, you know?

When I first came there, I seen the kids that was on the drugs and I thought that was pretty crazy. It was all locked up and people were walking around like zombies, so I called my ma and I told her I was going to run. I asked the other kids for help and left a note. We took the keys from the staff—we held them, took the keys and ran out. We were so scared of the place that we didn't mind getting another crime on our record, so when we got caught we started tellin' the cops all these crimes that we did, hoping that if somebody did a crime like that, they would have to hold us in the police station and we wouldn't have to go back.

You can try suicide, you can think about it as a way out, but you ain't even got *that* way out. You ain't got nothin'. There ain't people caring for you or nothin'. It's what I see in the movies—what happens to wild animals, you know? Human beings, they got feelings toward what happens to them. We ain't animals—we deserve to live normal, not like zombies.

The *Children's Express* Reporters who served as Examiners for the Hearings were:
Robin Moulds, 13, Chairperson
Quin Bakaty, 11, Susannah Blinkoff, 13, Christopher Clay, 13, Charles Hollings, 12, Franklin Kinard, 12, Mara Lozier, 10, Deborah Oestreicher, 13, Jessica Trentlyon, 12
Media coverage of hearings: ABC, NBC, CBS, PBS, United Press International, New York Times, Washington Post, Detroit Free Press, Baltimore Post and other newspapers all over America.

And Who Are The Kids In Jail?

A status offender is a child who is incarcerated with no definite prison sentence, and who has committed *no criminal offense. About 70% of all incarcerated children are status offenders.* Once they get there though, 90% return. At first when we came here we felt the only reason they put children in these institutions was because they committed a crime, and now we realize they put these kids there for the sake of putting them there.

Robin Moulds, 13 & Franklin Kinard, 12

(Children's Express Magazine--
Special Edition, 1978, International Year of the Child)

COVER STORY

Samantha, The World's Youngest Anthro-ethnographer*

By Samantha Gillison, age 11

I was six years old, and I was in the eastern highlands of Papua, New Guinea, with my mother who was doing field work for her doctoral thesis. New Guinea is right off the coast of Australia, down on the bottom of the earth. It's right near the equator, so it's very hot.

In 1973 we went to the small village of the Gimi people. There were two neighboring groups who spoke Gimi. One's language was with hard k's and g's, and the other was with soft, or silent k's and g's. We were the soft.

On my first trip, I was there about 18 months, and then later we went back for another summer. They had never seen a white child and a white woman before, except for the missionary women and children who never really came out and were always too sick. So I was the first person who came out and played and got dirty with them.

In the beginning I couldn't stand it. We were in a little hut and I wouldn't get out. I hated it there. Everybody was talking and I didn't know the language and they were all looking at me. I had no friends. It made me sick.

We had to walk 'cause there were no roads. Walking a distance wasn't measured in miles, it was measured in hours. I hated walking. Once I said to my mother that I was getting the next plane to Toronto to go live with my grandparents.

But then I learned the language and I loved it. From ages 4 to about 12, you can pick up a different language really easily. They would talk with me and they'd point at a fern and they'd say, "This is a bliaa". I went to their mothers and they'd tell me stories—I had no inkling what they meant and then I'd repeat after them. I finally got the hang of it and in three months I knew the language.

The Gimi's were very friendly people. Their only problem was that they thought white people were the dead returned. They thought that when they were dead and in the ground, their skin peeled off and became white. So it was very frustrating for me to play with them. If I started to bleed, they would get very upset and they'd take my blood and put it on a leaf and keep it like a good luck charm, 'cause it was like the blood of the dead. I kept on praying that my mother would get pregnant and have a baby in the village and they'd all see that we were not dead returned.

In every village there were "Big Men" who are like chiefs. One "Big Man" had a daughter named Doni—Doni means grass—and she was my best friend. The kids had a very strong social code. Doni was very popular because she put on this act that she was better than anybody else, and everybody sort of took it for granted that she was better than anybody else. Of course, if you were my best friend you were very special because if I cried, the 'Big White Man' would come and get you (my dad was taller than anyone) so you had to be very nice. They all had worms and were very small and malnutritioned. I was six and as big as Doni who was ten.

They have these huge, huge, *huge* gardens and they were beautiful. Seven families would share one garden. You could grow anything there. The garbage man had a little daughter and one day I was eating canned peaches and I gave her a pit and she planted it and grew a tree.

They built me a tree house which was very small and I kept my doll Nancy in there. I had a little garden where I planted sweet potatoes. The big pig had piglets and Doni's mother found the piglet nest and she was very happy. There were five piglets and she took four. I loved those piglets so much I couldn't believe it when she told me that she was going to eat them. I was devastated. I begged her to give me one, so she gave me a little boy piglet. The piglet was devoted to me. I fed it powdered milk and he followed me everywhere. He thought I was his mother. One day I left it with my friend to look after it, and I came back and the piglet wasn't there. She ate it. I couldn't believe what had hap-

Samantha with a tree kangaroo, (a marsupial possum).

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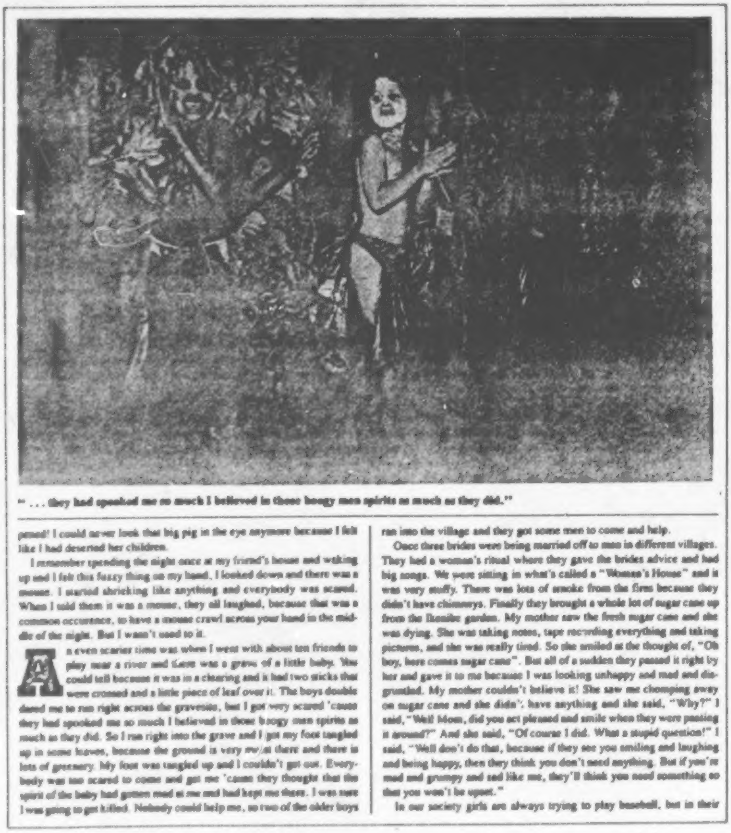
* *a combination of anthropologist (one who studies the origins of man) and ethnographer (one who scientifically describes and classifies different cultures).*

"They thought that white people were the dead returned."



"... they had spooked me so much I believed in those boogy men spirits as much as they did."

pened! I could never look that big pig in the eye anymore because I felt like I had deserted her children.

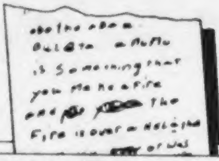
I remember spending the night once at my friend's house and waking up and I felt this fuzzy thing on my hand. I looked down and there was a mouse. I started shrieking like anything and everybody was scared. When I told them it was a mouse, they all laughed, because that was a common occurence, to have a mouse crawl across your hand in the middle of the night. But I wasn't used to it.

An even scarier time was when I went with about ten friends to play near a river and there was a grave of a little baby. You could tell because it was in a clearing and it had two sticks that were crossed and a little piece of leaf over it. The boys double dared me to run right across the gravesite, but I got very scared 'cause they had spooked me so much I believed in those boogy men spirits as much as they did. So I ran right into the grave and I got my foot tangled up in some leaves, because the ground is very wet there and there is lots of greenery. My foot was tangled up and I couldn't get out. Everybody was too scared to come and get me 'cause they thought that the spirit of the baby had gotten mad at me and had kept me there. I was sure I was going to get killed. Nobody could help me, so two of the older boys ran into the village and they got some men to come and help.

Once three brides were being married off to men in different villages. They had a woman's ritual where they gave the brides advice and had big songs. We were sitting in what's called a "Woman's House" and it was very stuffy. There was lots of smoke from the fires because they didn't have chimneys. Finally they brought a whole lot of sugar cane up from the Ilonibe garden. My mother saw the fresh sugar cane and she was dying. She was taking notes, tape recording everything and taking pictures, and she was really tired. So she smiled at the thought of, "Oh boy, here comes sugar cane". But all of a sudden they passed it right by her and gave it to me because I was looking unhappy and mad and disgruntled. My mother couldn't believe it! She saw me chomping away on sugar cane and she didn't have anything and she said, "Why?" I said, "Well Mom, did you act pleased and smile when they were passing it around?" And she said, "Of course I did. What a stupid question!" I said, "Well don't do that, because if they see you smiling and laughing and being happy, then they think you don't need anything. But if you're mad and grumpy and sad like me, they'll think you need something so that you won't be upset."

In our society girls are always trying to play baseball, but in their

COVER STORY



[illegible]
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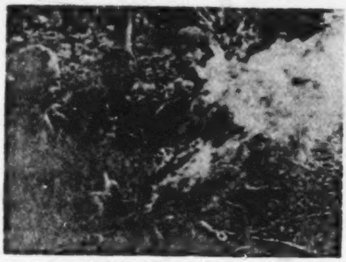
Samantha's diary describes a Mumu, a New Guinea feast.



society, boys are always trying to play with girls (until they get initiated, that is). One day, my friend and I were playing with my doll and this little boy came over and wanted to play with us. My friend said, "No, you can't play, you're a boy." They also told him, "If you don't go away she'll cry and the Big White Man will come and get you." It happened over and over and finally he got fed up and he mooned.

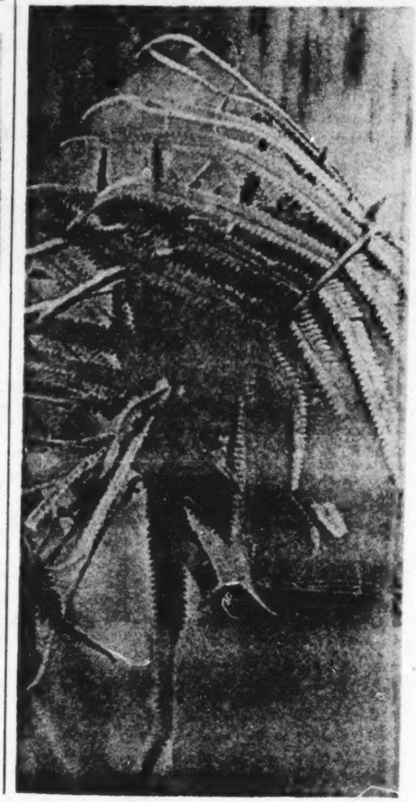
If you're filled up with rage, the biggest way of expressing yourself was to moon. Moon is when you take your pants down or pull your little grass skirt up and you bend over and you stick your rear at whoever is looking. It's considered a high insult. It wasn't considered a joke like it is in America. It was very serious.

I don't really remember much about their initiation for the boys because I wasn't a boy. It was like being initiated to being a man. But I remember that they got all dressed up in red paint and feathers. And they looked like they were starving. The day after the initiation they gave me the cold shoulder. I remember that one boy said to me, "Don't act like a boy—you didn't get initiated and have red paint on like us." I guess it meant for me to bug off.

When my dad told me that we were going back to New Guinea, I was thrilled. I couldn't believe it. I saw the village from the helicopter and it was so great. Then when I got down there, a man put me on his shoulders and everybody was holding me and touching me. They were all saying, "We're so glad you're back." And they felt my hair and told me that I had grown, and everything like that. It was really so great. I was so happy to be back. It was like I was coming home. I missed that place so badly.

I hope that I go back again, because it was so beautiful there. I really miss the people. I miss being with them and being able to just go up in the mountains and hike and swim. And I really miss the women there, because they were like mothers to me. I had so many friends and I could do whatever I wanted. I didn't have to worry about anything, just run off and build a little house, or go to a garden. It was great.

"My name is Fitome (Feet-oh-may), which means White Wood."



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"When my dad told me that we were going back to New Guinea, I felt excited because I wanted to be back with my own people."

News

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FOR IMMEDIATE RELEASE

May 17, 1979

Washington.........Vice President Mondale received the reporters of Children's Express magazine this morning with a wide smile and a wink as he acknowledged their 1976 national scoop. Commending the youthful newshawks for "identifying genius" (the kids predicted candidate Carter would pick Mondale as his running mate), the Vice President put aside his prepared remarks and spoke affectionately to his enthusiastic audience. "Nothing makes us happier," he said, "than Children's Express." Receiving the special edition of the magazine, published as an International Year of the Child project and to mark the magazine's 4th anniversary, Mondale remarked that the publication shows that children are capable of dealing with serious problems and are doing so.

During the ceremony, the magazine reporters presented their first award for journalistic excellence to a 12-year-old from Ciudad Juarez, Mexico, who publishes and edits his own newspaper with a staff of two. Javier Corral Jurado eloquently accepted -- in Spanish -- with his hope that all children would push forward as colleagues and brothers to ensure peaceful and prosperous relations between countries. The Vice President (mentioning that President Carter had expressed the desire to come across the hall to translate Javier's remarks but was detained) urged all to heed and practice Javier's message. "We will remember this day for a long time to come, " he said.

The Children's Express Birch Bayh Juvenile Justice Award will be presented by the Senator himself at a National Press Club publication celebration (Note: 5 - 7 p.m., all press invited) to Kenneth Wooden, noted author and crusader on the subject of juvenile justice. The Celebration will preview the IYC special edition, sponsored by McNeil Consumer Products Company, for a large invited audience, followed by an informal performance of two young groups of entertainers.

FRIDAY, MAY 18, 1979 THE INDIANAPOLIS STAR

Breaks Him Up

Vice President Walter Mondale breaks into laughter as Javier Corral-Jurado of Ciudad Juarez, Mexico, turns and hugs Mara Lozier, 11, after she presented him with the first Children's Express journalism award in a ceremony at the White House Thursday. The award winner is founder, editor and publisher of his own newspaper, El Chisme, in Ciudad Juarez. Children's Express is a national magazine written exclusively by children. Indiana Sen. Birch E. Bayh also praised the magazine during a celebration of its fourth anniversary this week, calling it an example of the "responsible contribution that our young citizens are capable of making." The magazine has named its annual award the "Birch Bayh Juvenile Justice Award." (UPI Photo)

[From the Washington Post, May 21, 1979]

POSTSCRIPT

From a look at recent financial disclosures you'd think it was "cowboy justice" they're dispensing over there at Griffin Bell's shop.

Both Attorney General Bell and his deputy Benjamin R. Civiletti have listed Wild West accoutrements as gifts in their list of financial holdings.

Bell reported "one pair Lizardskin comboy boots." He guessed they were worth more than $100 and noted he was looking for a proper government storage center for them. Bell got them while a guest speaker at Fort Worth's Southwestern Baptist Seminary.

Civiletti lists one "10-gallon cowboy hat" in original box, worth an estimated $250. He got it as a gift from the Greater Dallas Crime Commission.

Environmentalists are gearing up to protest a House Appropriations subcommittee's drastic cuts in the budget of the State Department's Bureau of Oceans and International Environment and Scientific Affairs. Those are the folks who worry about the law of the sea talks, tropical forests, tuna fishing quotas, transboundary acid rain and international toxic substances cooperation. Sixty-three of 125 positions would be eliminated if the subcommittee gets its way. Informants attribute the cuts to poor relations between Assistant Secretary Thomas Pickering and Rep. Bill Alexander (D-Ark.)

Robert Tiernan, who was publicly rebuked two years ago for making $2,000 in personal telephone calls on his government telephone, is the new chairman of the Federal Election Commission.

The Rhode Island Democrat, elected unanimously without debate, succeeds Pennsylvania Republican Joan Aikens. The FEC elects its own chairman for one year and usually alternates party membership. Tiernan, a former member of congress, has served on the FEC since it was formed in 1975.

In addition to the telephone bill incident, for which Tiernan repaid the government $2,000 in 1977, he still owes $4,000 on the 1974 House race in which he was unseated.

Vice President Mondale thought the question was so funny that he nearly lost his balance laughing. He had just heard that a journalist, all of 10 years old, had asked Nelson A. Rockefeller in 1976, "Why are you supporting President Ford when he dumped you?"

Mondale met that reporter, Jeremy Engle, and about a dozen others who work for the "Children's Express," at a White House ceremony. It was the fourth anniversary of the journal prepared by and for children.

The youngsters running the magazine claim—and no one has disputed them—that they were the first to report that then-candidate Jimmy Carter had picked Mondale as his vice presidential running-mate in 1976.

The children, with press cards dangling from strings around their necks, gathered in a White House conference room between President Carter's Oval Office and the office assigned to Mondale.

During the ceremony, Javier Corral-Jurado, a 12-year-old orphan from Ciudad Juarez, Mexico, was given the first "Children's Express" journalism award. He is the founder, editor and publisher of his own newspaper, El Chisme (The Gossip).

[From El Paso (Texas) Times, May 17, 1979]

JUAREZ 12-YEAR-OLD GETS JOURNALISM AWARD

(By Jessica Watson)

Juarez journalist Javier Corral Jurado will receive the Children's Journalism Award at the White House Thursday in ceremonies commemorating International Year of the Child.

Javier, 12, is publisher, editor, reporter, advertising manager, photographer and salesman of his own newsletter, El Chisme (The Gossip). The four-page publication appears weekly with news of special interest to young persons in Juarez. He also has a half-hour radio program each Thursday.

A panel of reporters, age 13 and under, on the staff of New York-based Children's Express magazine chose Javier for the honor because he "seems to zero in on substantive issues that deal with children," editor Bob Clampitt said.

Children's Express is a quarterly published by about 200 children around the United States. It has a circulation of approximately 200,000.

A recent issue of Javier's newsletter carried a story about child abuse, one on two children who killed their father and an editorial statement on juvenile delinquency.

He distributes about 60 copies of his publication a week in an around Juarez' city hall where the mayor's staff photocopies the newsletter for him.

Vice President Walter Mondale, Sen. Edward Kennedy, Ethel Kennedy and a representative of the Mexican ambassador to the United States will attend the awards ceremonies at 11:30 a.m. Thursday. Following the ceremonies, Javier will be interviewed by members of the National Press Club and the Washington Post.

Leaving El Paso Airport Wednesday, Javier joked about his trembling hands and legs. "I've never been in an airplane before. I wonder what it will be like here."

Fellow travelers smiled with curiosity and warmth as they watched a reporter and photographer interview the handsome boy dressed in a three-piece navy blue suit, sparkling white shirt and black shoes and stripped tie.

Although he plans to interview Mondale for his newsletter and talk with professional journalists about their jobs, Javier said he could hardly stop thinking about meeting the American children who work on Children's Express.

"It will be exciting to talk to them because in this International Year of the Child children are developing more—more doors are open to them. I'm going to see what they think about, what worries them, what pleases them about this world," he explained.

When he receives his award, Javier will recite a poem he wrote for the occassion:

"To all children, Asians and Africans
White, mestizos or blacks
We must be friends.
Color is not important, whether red or yellow
When we all unite in one single thought.
A thought of love, of sincere love
To end wars and promote humanity.
All Mexican children extend our hands
To the children of the world
Because they are our brothers."

(The poem rhymes in Spanish, Javier's native language. He speaks no English.)

Juarez Mayor Manuel Quevedo Reyes paid for Javier's trip to Washington and sent his public relations director, Gaston de Bayona, to accompany the young newsman. They will return to El Paso-Juarez Friday.

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